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EDITORIAL NOTE

The first article in this issue of the *Journal* is on "The Kerala Subject Committees" by Shri V. M. Sudheeran, Speaker, Kerala Legislative Assembly, who succinctly explains the successful functioning of their "novel experiment", indicating the broad achievements made since their inception in 1980. He takes care to point out that the sphere of work of the Subject Committees extends even to cover delegated legislation. He, however, feels that some coordination is needed to eliminate overlapping of subjects in some committees, more particularly in the three financial committees. He is optimistic that "even though the working of the committee system hitherto could not make much change in the style of functioning of the executive, it has made an overall good impact".

In the second article on "Role of Parliament in Monitoring the Performance of Railways as a Public Utility," Shri K. T. V. Raghavan, former Chairman of the Railway Board discusses in detail the devices by which the Central legislature had exercised its control over the Railways since the pre-independence era. Referring to the change in "tone and magnitude" in the effectiveness of such control in the post-independence period, he says, the Parliament has been exercising its control over the Ministry of Railways, which is directly responsible to the former for policy and administration. Besides other devices, he refers to the system of parliamentary committees and calls it as one of the most effective methods by which Parliament monitors the performance of the Railways. He admits that the Railway Ministry also "stands to gain considerably by parliamentary control exercised through the committees" as the detailed discussions in the committees on the problems faced by the Ministry enable the Government to project a proper image to members of Parliament. On the role of the Estimates Committee in its scrutiny of the Railway Budget, Shri Raghavan says: "It has been possible for the Railway Ministry to develop a Budget system which makes it meaningful for members of Parliament to appreciate the various purposes for which money is being voted by them as also attainment of targets".

The third article on "Admissibility of Questions about Private Companies" discusses the relevant rules governing the subject

matter and the aspects which have to be particularly taken care of while admitting such questions. In brief, according to the author, questions in Parliament about private companies are broadly admissible only where the matter raised is of public importance, or either direct or indirect responsibility of the Government is involved, or there is a basis for irregularities or allegations made in the question about the irregularity.

We congratulate and extend our heartiest felicitations to Shri Sheo Chandra Jha on his election as Speaker of the Bihar Legislative Assembly and Sarvashri Rambhau B. Potdar and S. Mallikarjuniah on their election as Chairman and Deputy Chairman respectively of the Karnataka Legislative Council.

As usual, the issue carries the other regular features, *viz.*, Parliamentary Events and Activities, Wit and Humour in Parliament, Parliamentary and Constitutional Developments in India and Abroad, and a Brief Resume of the Sessions of the two Houses of Parliament and of the State Legislatures.

It has been our endeavour to make this *Journal* more readable and informative and, we would welcome suggestions for further improvements.

—SUBHASH C. KASHYAP

RESTRICTED

THE KERALA SUBJECT COMMITTEES*

V. M. SUDHEERAN

In our parliamentary system, responsibility of the Council of Ministers to the Legislative Assembly is a constitutional mandate. Under clause (2) of article 164 of the Constitution, "the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State". To secure this responsibility, the Constitution contains a number of other provisions, and the Rules of Procedure of the Legislative Assembly prescribe several procedural devices.

Ever since the Parliament and the State Legislatures came into existence under the Constitution, a number of innovations have been made in their procedures. The growing complexity of modern government, its considerably widened spheres of activity and consequent extension of executive power have all led to a reassessment of the Legislature's role from time to time.

Do the existing practices and procedures enable effective scrutiny of executive functioning and secure executive accountability to the Legislature in adequate measure? Consistent with the principle of Cabinet responsibility, is there scope for improving upon the instrumentalities now available to the Legislature for better scrutiny both of legislation and of executive actions?

The conferences of Commonwealth Speakers and Presiding Officers had, time and again, discussed measures to bring about improvements in the working of our committee system. The trend

*Adapted from the speech delivered by the author at the Meeting of the Committee on Presiding Officers on Committee System at Trivandrum on 11 June, 1985.

of discussion indicated that there was great need of the use of committees, firstly, to elicit facts; secondly, to examine proposed legislation; and thirdly, to recommend policy.

It is well-known that business on the floor of the House has always to be controlled by the need to get certain legislation through, while at the same time providing for the disposal of a number of routine items on the daily order paper. Besides the traditional debates on the Governor's Address and the annual Budget, it is seldom that time could be found to discuss and debate other important matters of public concern or public interest.

In the Budget Session, a major part of the time is taken up for the transaction of financial business; but, even then, it has been the experience year after year that Demands for Grants pertaining to several important departments get guillotined for want of time. With the material that is made available to members, and within the allotted time, no in-depth scrutiny of the Demands is possible, and debate on them on the floor of the House often tends to become superficial. On the guillotined demands, no open debate at all takes place. The functions of the three existing financial committees, namely, the Estimates Committee, the Public Accounts Committee. and the Public Undertakings Committee, are largely *post-mortem*. Effective control over public expenditure is an essential feature of the parliamentary system.

In the matter of legislation, all Bills do not at present go before select committees. The importance of scrutinising legislation with utmost care needs no emphasis. Attention will have to be directed in particular to see that the clauses of a Bill are consistent with the Constitution and existing law and bring out clearly the policy behind the legislation. Legislation is the responsibility of the Legislature, and it is the Legislature that must take the ultimate blame if the laws it enacts are found to contain legal or other infirmities.

Many laws passed by the Legislature confer wide powers on the executive or other subordinate authority to make rules, orders or issue notifications for giving effect to the provisions of the law. The function of the Subordinate Legislation Committee in the matter of delegated legislation is also *post-mortem*, like that of the financial committees. The inordinate delay in the issue of these rules and orders and the lack of sufficient care that is bestowed on their drafting have often evoked adverse comment. The large powers conferred on officials—sometimes at comparatively junior levels—under these rules and orders further emphasise the need for their close scrutiny. It seems essential to devise a suitable method for prior

scrutiny of these statutory instruments in draft form with the twin objective of ensuring that the power delegated by the Assembly is properly exercised and with due expedition and that the delegate acts within the limits laid down under the relevant laws.

In initiating policies and programmes and their implementation, the Council of Ministers has direct and primary responsibility. Equally, the Legislature has the duty to see that such implementation is in the best interest of the people. Members of the Legislature, by virtue of their constant contact with the public are in a better position to gauge public criticism and public opinion. The growth in the executive's power and the manner of its exercise have to be matched by an improvement in the Legislature's modalities for overseeing the executive's use of its power.

In 1980, a novel experiment was begun in the Kerala Legislative Assembly. Ten Subject Committees were set up to deal with different subjects. The functions of these Committees are:—

(i) to scrutinise the demands for grants;

(ii) to examine legislation;

(iii) to study and report on a specified area of governmental activity in the wider public interest, or a project, scheme or undertaking intended for the general welfare;

(iv) to advise Government on a question of policy or legislation on which Government may consult a committee;

(v) to discuss generally and formulate views on—

(a) State's Five-Year Plan programmes and their implementation;

(b) Centre-State relations in so far as they concern the State of Kerala;

(c) Reports of the Kerala Public Service Commission;

(d) Report of State public undertakings;

(e) Reports of any statutory or other body, including any Commission of Inquiry, which are laid before the Assembly; and

(vi) to consider the draft of the rules to be framed by the Government or other authority in pursuance of the rule-making powers delegated by an Act of the Legislature or the Parliament.

As an author has put it "the experiment deserves greater notice than it has received so far".*

Care has been taken to see that the setting up of the Subject Committees and their functioning did not in any way detract from or infringe the principle of Cabinet responsibility to the Legislature. The rights and privileges originally enjoyed by members in the House were not diminished.

From 1980 till 1985, these Committees scrutinised 57 Demands for Grants in the Budget coming within their purview for the years 1980-81 to 1985-86 and presented reports to the Assembly. These reports contain 1,033 recommendations and out of these 267 recommendations were for enhancing the Budget provision. In such cases, nearly 30 per cent. of the recommendations have been implemented by the Government.[1] Reports on 56 Bills referred to these Committees were presented. In the case of 21 Bills, the Committees had suggested modifications. 193 draft statutory rules|amendments to rules were placed before these Committees for scrutiny and the Committees approved 39 rules with modifications and the other without modifications.[2] Discussions were held on 139 projects| schemes|topics and 53 points for discussion were raised by members of the committees.

It is not claimed that the working of the Subject Committees in Kerala is completely free from defects. The reasons therefore may be enumerated as follows. As a convention, Ministers are nominated as Chairmen of these Committees. For obvious reasons the Chairmen (Ministers) very often find it difficult to convene the meetings of Subject Committees in time and this leads to delay of urgent and important work in the Committees.

The scrutiny of demands for grants by the Committees commences immediately after the general discussion of the Budget in the House. But as per rules this scrutiny has to be done and report thereon has to be finalised within a period of four weeks. Within this short period of time the members of the Committees find it difficult to go through the minute details of the budget proposals and hence the scrutiny done becomes very formal.

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*A. G. Noorani; "Parliament's Consultative Bodies," *Indian Express*, 17 May, 1985.

[1]See Annexure I for some of such recommendations which were implemented by the Government of Kerala.

[2]See Annexure II for some other recommendations implemented by the Kerala Government.

In the case of examination of legislation also, very often the time at the disposal of the Committees to study the contents of the Bills and to assess their implications is insufficient. For example, a Bill will be introduced in the Assembly on a day and it will be referred to the concerned Subject Committee on the very same day with directions to report back the next day. In such a case the Committee will have to meet in a hurry to go through the Bill and, therefore, there is no in-depth study.

In the case of scrutiny of draft statutory rules or amendments thereof also, there are certain defects. Most of the draft rules placed before the Committees at present are intended only to give statutory validity to executive orders issued years previously. In the case of some rules, Government issue rules under cover of exigency and then forward them to the Subject Committee together with a note explaining the exigency which necessitated the issue. Thus the matter becomes a *fait accompli*.

At present, the Subject Committees are doing post-Budget scrutiny, i.e. scrutiny of estimates after the presentation of Budget. Even though the House discusses the demands for grants before voting, due to the magnitude and complexity of the State activity it is almost impossible for Legislature as a body to scrutinise the myriad of expenditure proposals and governmental activities effectively or minutely. The question of introducing pre-Budget scrutiny (except, of course, the taxation proposals) by Subject Committees has, therefore, to be considered seriously. Similarly, the plan and development scheme proposals should also be placed before the Subject Committee before finalisation so that the members of the Committee, who are representatives of the people, can give creative and practical suggestions in formulating the schemes. Presently, only the plan schemes in their finalised form are being placed before the Committees and there is little or no use in giving suggestions at this stage. The Ordinances in their draft form and papers laid on the Table should also be brought within the purview of Subject Committees.

As regards the general working of other committees, the contents and quality of reports have to be improved. The Chairmen and members of the committees have an important role to play in this regard. The proper selection of the Chairmen and members of Committees is of utmost importance. The contents of the reports should get proper coverage and should reach the maximum number of people through the media. For this purpose, publishing summarised versions of reports should be considered. As a part of improving the working of the Committees, officers of the Legislature

Secretariat should be given expert training. Similarly, an efficient research and reference system should be built up in the Legislature Secretariat.

Under the present allocation of work there is overlapping of subjects in some Committees. This is seen mainly in the working of Estimates Committee, Committee on Public Undertakings and certain Subject Committees. At times this results in making recommendations by those Committees which are contradictory in nature. This can be eliminated if there is proper co-ordination. The question of conducting enquiries on vital contemporary issues of public importance by appointing *ad hoc* committees of the Legislature or by the concerned Subject Committees should also be thought of. At present very complicated and technical issues come up for examination of the Committees. In such cases the services of specialists should be made available to render expert advice to the Committees. Even though there is provision in the rules of procedure in the Kerala Legislative Assembly which enables the Committees to make special reports on any matter to the Speaker or the Assembly, no Committee has so far made any such report. The Committees should venture into this sphere and should make such reports whenever necessary.

In conclusion, it may be pointed out that even though the working of the committee system hitherto could not make much change in the style of functioning of the executive, it has made an overall good impact. In order to build up confidence of the people in the democratic set-up and to ensure healthy parliamentary activities, the working of the committee system in the legislatures has to be properly nurtured.

ANNEXURE I

List of some of the Recommendations of Subject Committees of Kerala for enhancing Budget provision which were implemented by the State Government

1. Enhancement of provision from Rs. 20,000 to Rs. 3 crores for labour welfare funds.

2. Enhancement of provision from Rs. 30 lakhs to Rs. 67 lakhs for assistance for subsidised housing schemes for traditional fishermen.

3. Enhancement of provision from Rs. 1.59 crores to Rs. 5 crores for relief on account of natural calamities.

4. Enhancement of provision from Rs. 0.98 crores to Rs. 1.40 crores for water supply in Harijan colonies.

5. Enhancement of provision for the grant-in-aid to the Kerala Agricultural University.

6. Provision of additional funds for minor irrigation schemes by re-appropriation or by supplementary grant.

7. Enhancement of provision for opening of veterinary dispensaries by re-appropriation or supplementary grant.

8. Enhancement of the provision for construction of houses for rural workers by supplementary grant.

9. Enhancement of provision for industrial relations under labour and employment.

10. Enhancement of provision for strengthening public distribution system through the Kerala Civil Supplies Corporation.

11. Enhancement of provision for assistance to traditional fishermen.

12. Provision of additional funds by re-appropriation for 'Community amenities and dispensaries for fishermen'.

13. Enhancement of provision for 'share participation in industrial co-operatives'.

14. Enhancement of provision for industrial training programme by supplementary grant.

15. Enhancement of provision for expansion of factory-type co-operatives for handloom.

16. Enhancement of provision for nursery schools under pre-primary education.

17. Enhancement of provision for 'construction of buildings' under P.W.D.

18. Enhancement of provision for irrigation projects by re-appropriation.

19. Enhancement of provision for 'slum clearance'.

20. Enhancement of provision for 'local bodies'.

21. Enhancement of provision for minor irrigation grant.

22. Inclusion of provision for the relief to victims affected by the attack of wild animals by supplementary demand.

23. Enhancement of provision for 'modernisation of police force', 'providing vehicles for police force' and 'police housing schemes'.

24. Enhancement of provision for 'Kerala Sports Council—Contribution'.

ANNEXURE II

SOME OTHER RECOMMENDATIONS WHICH WERE IMPLEMENTED BY THE KERALA GOVERNMENT

(1) *Training and Visit Programme*

In 1980-81, the Government of Kerala introduced a new scheme namely 'Training and Visit Programme', in the Agricultural Department. First it was introduced only in three districts. The training and visit programme, popularly known as "T & V Programme" is a scheme backed by World Bank assistance. Subject Committee-I in 1981-82 recommended to introduce the Scheme in all the districts. The Government have eventually accepted the recommendation and extended the programme throughout the State.

(2) Owing to the dearth of doctors many of the veterinary hospitals in the State were functioning without doctors. Subject Committee-I had suggested that steps should be taken to solve this problem. Acting upon this suggestion, the Government requested the Agricultural University and got increased the number of seats for B.V.Sc and A.H. Course from 40 to 80.

(3) *Establishment of Mobile Farm Aid Units*

The Committee recommended that more Mobile Farm Aid units should be established in the State by enhancing the Budget provision. The Committee also recommended to increase the number of

Veterinary Poly Clinics further. Government accordingly sanctioned a Veterinary Poly Clinic in each Taluk and Mobile Farm Aid Unit in each Block on a phased programme.

(4) *Community Development Department*

At present there is no separate department for the Community Development in the State. Subject Committee-I suggested to organise a separate department. Government accepted this in principle.

(5) *Honorarium to Balawadi Teachers*

In order to raise the honorarium to Balawadi teachers, the Committee was told that an additional amount of Rs. 21.43 lakhs was required. The Committee recommended accordingly and the Finance Department sanctioned the amount.

(6) *Constitution of Popular Local Committees for selecting beneficiaries under the schemes in Agriculture Department*

The Committee suggested that enlisting the full representation of farmers and Village Panchayats, popular local Committees should be constituted for distribution of funds under Agricultural Development Programmes and the funds should be distributed only in consultation with these Committees. Government had issued instructions accordingly.

(7) *Egg Marketing System*

The Committee suggested to conduct an investigation on the present system of Egg Marketing from the hatcheries (owned by the Government) and desired to have a detailed report after the enquiry. Accordingly, Government appointed a Committee for this purpose.

(8) *Poultry Clubs in Schools*

Government had started Poultry Clubs in selected schools. The Committee recommended to extend this to more schools. Government accepted the recommendation.

(9) *Complaints on the quality of Cattle feed*

The Committee wanted Government to pursue action on the complaints regarding the quality of cattle feed, manufactured by the Government-owned cattle feed Factory. Government accordingly took steps for the quality control of the feed.

2

ROLE OF PARLIAMENT IN MONITORING THE PERFORMANCE OF RAILWAYS AS A PUBLIC UTILITY*

K. T. V. RAGHAVAN

India has adopted the system of parliamentary democracy. This system emphasises the supreme authority of the Parliament and governance on the basis of the members of Parliament having been given the mandate by the people. Therefore, it is the duty of the public servant to uphold the traditions of the supremacy of the Parliament and ensure that the provisions of the Constitution are fully observed.

The Railways are the lifeline of the nation and the Ministry controlling the Railways is a part and parcel of the Union Government.

The Minister for Railways is a member of the Union Cabinet, which is collectively responsible to the Parliament. The Central Legislature which came into being under the Government of India Act of 1919 had a continuous tradition of monitoring the performance of the Railways. At that time there was no Cabinet Government and the subject was tackled by the Member for Communication of the Executive Council. The Houses of Legislature developed a tradition of exercising control over the Railways in the form of: (i) Questions, (ii) Resolutions, (iii) Budget discussions, and (iv) through Standing Finance Committee for Railways and the Public Accounts Committee.

*Adapted from the talk by the author to the probationers of the Indian Railway Traffic Service, under the auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat, on 24 January, 1985.

After Independence in 1947, the Ministry became directly responsible to Parliament for policy and administration. The control through the old devices continued, though greatly changed in tone and magnitude. Since Independence the effective control has materialised in the form of: (i) Railway Budget discussions in two stages—general discussions on the Budget and discussions on Demands for Grants, (ii) Interpellation, (iii) Resolutions, and (iv) Financial Committees.

Parliamentary business is conducted both in the Lok Sabha as well as in the Rajya Sabha and functioning of the Railways comes up before these Houses through Questions, Debates and Discussions on the Railway Budget, Parliamentary Committees on the Railways and so on. The performance of the Railways is monitored by the Parliament through these devices and discussions on the Demands for Grants. Important and specific grievances are highlighted by cut motions. Specific aspects of the Railways' working are brought to the notice of the Railway Board along with suggestions for improvements by the members.

The issues covered by the cut motions cover a wide variety of subjects but with greater emphasis on needs of the constituencies of the members in the matter of construction of new lines or extension and improvement of existing facilities and staff grievances. Therefore, some features of the discussion which do not have a positive role are summarised below:

(i) dominance of political motives of various issues which is understandable in an elected body. There is emphasis on developing railway facilities in the constituencies or areas of interest to particular members of Parliament and for introduction of new trains to and in their constituencies etc.;

(ii) quite a few of the grievances ventilated refer to minor matters of detail of day-to-day working of the different railway systems and such questions are by and large voiced by members of the Opposition; and

(iii) the standard of debate and the discussions do not always serve the purpose of parliamentary control over Government.

During the Parliament session, the members of Parliament send questions to be asked by them during the Question Hour and these questions cover a wide range of the working of the Railways and

bring out specific problems of specific areas in the country served by the Railways. These questions relate mostly to development of backward areas, train running, introduction of new trains, speeding up of construction work, improvements in passenger amenities at stations and on the trains; and review of the safety measures, wage structure of the railway employees, recruitment policies and action necessary in safeguarding the interests of the minority communities.

Control through Parliamentary Committees

The scrutiny exercised by Parliament will naturally vary from one department of the Government to the other considering that some policy sectors being inherently more contentious than others, Governments are prone to legislate in some areas more than others; some members of Parliament because of their background interests prefer to scrutinise one area of government responsibility more than another. As the Railways cover the "warp and woof" of public life in this country, it attracts sustained attention of members of both Houses. One of the more effective methods by which Parliament monitors the performance of the Railways is through the agency of parliamentary committees. The system of parliamentary committees has a long tradition which has developed over a period of time in view of the unavoidable unwieldy size of the Parliament itself, as well as to save precious parliamentary working time.

The evolution of Government by committees during the last 70 years in some of the principal western democracies like UK, USA and France have also been taken note of in framing the guidelines for parliamentary committees in India. In view of the vast variety of subjects relating to Government working and the complexity of problems dealt with by different Ministries, all the parliamentary democracies have developed a tradition of monitoring the work of the Government through parliamentary committees.

These committees are generally small in size and are assisted by a team of civil servants. There are standing committees which are permanent in nature and select committees which may be appointed by the House for examining specific subjects. These committees investigate in detail the subjects allotted to them and submit reports to the Parliament. These reports are further subjected to discussions on the floor of the House. The committee in effect is able to crystallise the major issues on which the attention of the members of Parliament is to be focussed.

In the United States, the committees of the Senate as well as the House of Representatives are extremely powerful agencies and they continuously monitor the various aspects of Government working and influence decision making. The functioning of the committees differs in the presidential form of Government from that in the parliamentary form of Government.

In a parliamentary democracy where the cabinet is collectively responsible to the legislature, the committees have a co-extensive role with that of the Government. They assist the Minister in policy formulations and also in projecting a proper image of the department.

These committees or their sub-committees or study groups proceed on study tours and visits to acquaint themselves in the field of the actual conditions of the working on the Railways. During such visits, the local officers have to extend the same courtesy and decorum to the members as is due in the Parliament and ensure that they hold meaningful discussions with the committees.

When the Ministry is required to give evidence before a parliamentary committee, it has to be represented by the Secretary of that Ministry and when the Committee is on a study tour of a specific Railway, then by the General Manager and the Heads of the Department when they hold a sitting at the headquarters of the Railway; in the field away from the headquarters they have to be met by Heads of Departments nominated by the General Manager, Casting reflections on the decisions and the conduct of a parliamentary committee is tantamount to breach of privilege or contempt.

Railway Finance was separated from General Finance in 1924.

Three important committees of the Indian Parliament exercise control over the Railways: the Estimates Committee, the Public Accounts Committee and the Railway Convention Committee.

Estimates Committee: The Estimates Committee was created in 1950. This follows the British trend which has a long and interesting history. The Committee reviews the working of individual departments to ascertain whether Budgets framed by the Ministry are directed towards fulfilment of policies laid down by Government. policies implicit in the estimates and programme of future expenditure. This was the successor to the Standing Finance Committee which existed prior to Independence.

The Estimates Committee has a number of study groups. The Committee examines witnesses, procures information from the Ministry concerned. The Committee also makes on-the-spot study of the subjects under examination, goes on tour, meets the General Managers and Officers of the Zonal Railways in the field and obtains explanations on areas in which the Railways have not been able fully to meet the requirements of trade, industry and the general public. The General Managers send comments to the Railway Board who vet and forward these to the Estimates Committee. This is followed by oral evidence of the Board Members before the Committee. The Committee then prepares draft reports, sends them to the Ministry for factual verification and prepares the final report.

The Ministries concerned have also to report the action taken by them on the recommendations of the Committee. The Action Taken Reports of the Committee are also presented to the House. The reports of the Committee are vigorously supported by an analysis of the facts. The reports serve the purpose of effecting economy and improve efficiency and act as a check on any wayward tendency on the part of the Ministry. It also serves as a useful effective machinery for control by Parliament over Government. In the recent past this Committee has examined in detail the working, the policy formulations and their implementation in regard to the following issues: (i) Transportation of perishable commodities; (ii) Railway safety; (iii) Railway purchases; and (iv) Movement of coal.

The Estimates Committee goes into various aspects of the working of the Railways. The subjects which have in the past come within its surveillance cover a wide range—adequacy and punctuality of passenger train services, performance at terminal transhipment points, and indents, supply and loading of wagons for key industries such as steel plants.

Public Accounts Committee: The Public Accounts Committee which is another standing committee of Parliament primarily performs *post mortem* examination of the performance of Government. It is assisted by the Comptroller & Auditor General of India who prepares the Audit Report for scrutiny by the Committee. The Committee is thus aided by an expert examination done by an independent government agency. Its duties and functions include examination of accounts showing the appropriation of sums granted by the Lok Sabha, though its functions are primarily financial examination of technical irregularities. These are not confined in effect to this alone. The scope generally extends to the whole realm of

'wastage', 'extravagance', lack of adequate administrative control. and even 'unsuitable organisation'.

The Railway revenues and expenditure, along with the report of the Comptroller & Auditor General are subjected to critical scrutiny by the Public Accounts Committee. This Committee splits into panels, which tour the country and record oral evidence of General Managers and their Heads of Departments. Anything from high policy to routine matters may figure in the panels' deliberations. A railway spokesman, usually the General Manager, is pitted against a dozen or more members of Parliament, when the Committee visits the railway's headquarters.

The Committee calls for explanations for any shortfall in the anticipated growth of receipts and increase in ordinary working expenses. It goes into the position of railway funds, the Depreciation Reserve Fund, the Development Fund, the Revenue Reserve Fund and the capacity of the Railways to contribute to these funds, from year to year. The Committee makes its comments and offers advice in regard to various heads of expenditure.

Its observations cover a vast canvas: the out-of-proportion growth of expenditure on employees to the growth of traffic; the mounting fuel bill; transit time for freight; over-estimation of traffic; creation of unwanted capacity leading to over-capitalization; increase in dividend liability; under-utilisation of rolling stock; and the need for recapturing high-rated traffic by a commercially-oriented approach, which would include better customer service, quick settlement of claims, faster movement of goods and prevention of thefts and pilferage. The Committee records evidence of the Railway Board on all these matters, not only on the past performance of the Railways but also on future estimates. For instance in 1984, the Committee took up one of the Railways main problems, namely, Land Management.

Following the discussions with the Railway Board, the Committee receives the Board's notes and memoranda on their recommendations. The Committee then issues reports giving details of the action taken by the Board on their recommendations and, while doing so, frames its final views, which are in the nature of a judgement on the correctness and adequacy of the action taken by the Government.

This Committee tends to function consciously as a watchdog of Parliament to guard against official negligence and corruption. Quite often replies on the reports of the Committee by the Ministries are

not accepted by them and the Department is again compelled to review action taken. The Committee, *inter alia* covers in the course of its scrutiny following subjects like: (i) Recovery of dues from outsiders, (ii) Correct implementation of Railway tariffs to avoid undercharge, malpractices at stations etc., and (iii) Working of contracts for stores and works.

The Railway Convention Committee: The Railway Convention Committee comprises of 18 Members (12 from Lok Sabha and 6 from Rajya Sabha) elected on the basis of single transferable vote by the two Houses.

The Committee has a long history. Since its inception, the Railways in India faced large deficits which were borne by the General Revenues. It was only after the formation of the Railway Board in 1905, that the Railways began to yield a net surplus which became part of the general finances of the Government of India. After World War I, the Ackworth Committee recommended that there should be a fixed contribution to the General Revenues from the Railway Finances. This was necessary to secure an assured contribution from the Railway Revenues. The Committee disapproved the faulty system under which the Finance Department controlled the Railway Finances. The Railway management was freed from this control after the Finance Department and the Railway Finance were separated from General Finance. In course of time, it gave the Indian Railways a new personality, which was emerged today as one of the biggest public sector undertakings in any developing country.

In 1949-50, the entire question of Railway Finance was re-examined when in his Budget Speech the Railway Minister announced the setting up of a Railway Convention Committee. The Committee, appointed in 1950-51, recommended a dividend of 4 per cent and the contribution to the Depreciation Fund of a minimum of Rs. 150 million for the five years commencing from 1950-51. The Railway Convention Committees which have been appointed since then after about every five years in 1954, 1959, 1965, and 1971 etc. have been regularly recommending dividends to be paid from the Railway Finance to the General Revenues.

The appointment of the Railway Convention Committee in 1971, however, brought about fundamental changes in its functioning and operation. The then Railway Minister late Shri Hanumanthaiya, while speaking in Parliament requested the Committee to fearlessly

examine the working of the Railways and make suggestions for improvements. This gave further powers to the Committee which was hitherto concerned with recommending the payment of dividend by the Railways to the General Revenues. This Committee of 1971 examined the working of the Railways in detail and presented as many as six reports on various facets of their working. In its reports, the Committee made far-reaching recommendations—including changes in the accounting systems. The Railway Convention Committee started functioning like the other Standing Financial Committees of Parliament.

The Committees have selected a large number of subjects for examination, *viz.*: (i) Review of working and financial results of the Railways during Fifth Plan period, (ii) Forecasts of financial prospects of the Railways during Sixth Plan period, (iii) Cost of operation by the Railways, (iv) Targets and achievements with regard to freight and passenger traffic, (v) Fuel consumption by Railways, (vi) Rolling stock programme, and (vii) Inventory management in the Railways.

The Committee in one of its recent reports gave recommendations on the Engineering and Traffic surveys conducted, the land construction works taken up, and the estimates initially submitted as well as comments on the viability of the project as earlier given and as achieved by the Railways later in operation. The importance of the economic viability of the Railways' schemes in overall National interests rather than the present limited financial viability angle ought to be emphasised by the Railways, has been specifically brought to the fore.

Consultative Committee

This is a subsequent development from the tradition of standing committees of Parliament. The Consultative Committee consists entirely of members of Parliament and has its meetings between each session of Parliament, *i.e.*, thrice a year. The Minister for Railways is Chairman of the Consultative Committee and the meeting is attended by members of the Board as well as Directors. The Committee draws its own agenda concerning Railway matters. Apart from the consultative committees, there are "Informal Consultative Committees" of members of Parliament, separately for each Zonal Railway. These Committees hold meetings during Parliament sessions. The Minister for Railways and the General Managers of the Zonal Railways also attend these meetings. This is a forum for discussing Zonal Railway problems and suggesting improvement in the working of the Railways.

Usually the Consultative Committee for the Railways discusses a wide range of subjects pertaining to railway operations including, for example, staff matters, passengers' amenities, users' amenities, fuel utilisation, rolling stock utilisation, introduction of new trains and extension of runs of existing trains etc.

While other Ministries have one such informal committee each, the Railways have nine of them, one for each Zonal Railway.

Advantages of Committees' working to Railway Ministry

The Railway Ministry stands to gain considerably by parliamentary control exercised through the committees. Unlike on the floor of the House where the Railway Minister does not have the time and assistance to spell out and discuss in detail the problems faced by the Railway Ministry, discussions by Committees, both formal and informal, enable the Government to project a proper image to members of Parliament.

All the perliamentary committees hold detailed discussions with members of the Railway Board. The agenda is circulated in advance for which briefs are prepared and given to the members. This is followed by detailed discussions where members of the Board are able to project freely the difficulties faced by them in implementation of Government policy.

On receipt of the reports of the three committees by the two Houses of Parliament, important issues are raised by members for further discussion. The parliamentary apparatus thus keeps alive public interest in all matters concerning the performance of the Railways. The Railways being the most widely used public utility service in the country, it is but natural that members of Parliament should evince more interest in every facet of its working.

The members of Parliament in turn have an opportunity to appreciate the magnitude and complexity of the problems faced by the Railway administration. Although in the past the committees were mostly interested in local subjects in which the members of Parliament had specific interest, in policy formulation and their implementation in the Railways. In fact, it was only as a result of detailed discussions at the committee stages that the Ministry of Railways was able to project for a pragmatic formulation to the Railway Convention Committee for rebate in the case of unremunerative branch lines and other losses arising from the social burdens placed on the Railways.

Piloting of the Railway Budget in the Houses of Parliament has been considerably facilitated due to scrutiny exercised by the Estimates Committee which had gone into details earlier on the format of the Railway Budget, its presentation and analysis. It has been possible for the Railway Ministry to develop a Budget system which makes it meaningful for members of Parliament to appreciate the various purposes for which money is being voted by them as also attainment of targets.

General

The Auditor General writes his annual report on the working of the Railways and this is made available to various parliamentary bodies, namely, the Estimates Committee, the Public Accounts Committee and the Railway Convention Committee. All these committees study the Auditor-General's reports and make their own assessments, involving some overlapping and repetition.

Apart from these standing committees of Parliament, there is practically all the time, some high-powered committee or commission looking into the working of the Railways, *e.g.* the successive accident inquiry committees of 1962, 1968 and 1980, the National Transport Policy Committee of 1978, the Administrative Reforms Commission which reported in 1979, and the Rail Tariff Enquiry Committee of 1930. Currently, the Railway Reforms Committee has been examining various aspects of the working of the Railways over the last two years.

The Ministry of Railways deals with all work relating to parliamentary committees and Parliament in general on a priority basis. Individual statements/replies are got cleared at the Board's level while replies for group discussions are formulated in an internal meeting which is held by the full Board. The data furnished to the Parliament or its agencies is subject to detailed scrutiny to ensure accuracy. While replies to Parliament questions are got approved by the Minister, the other material furnished to the committees is finalised at Board's level. On the Zonal Railways, brochures are prepared whenever the committees visit locations on the Railway and senior officers of the Zonal Railways are deputed to assist the Committee. The committees hold extensive discussions on various topics related to Railway working with the General Managers and Heads of Departments.

It is the bounden duty of every public servant to uphold the sanctity of the Constitution of India. As such it is one of the important

duties of the public servant to ensure that parliamentary control over Government is fully ensured by being responsible and responsive to Parliament and its agencies. In this matter the public servant has to act with alacrity and accuracy. He must realise that the members of Parliament are the elected representatives of the people whom he serves while holding public office.

Mr. Speaker: Why do you not start some ferry service in Bombay?

Professor Madhu Dandavate: They want us to swim only.

(*L.S. Deb., 25 July, 1985*)

ADMISSIBILITY OF QUESTIONS ABOUT PRIVATE COMPANIES

N. N. MEHRA

In every session of Lok Sabha, a large number of questions about private companies are addressed to various Ministries and seek information from different angles. At times, the questions pertaining to the same matter and about the same private company are addressed to different Ministers by the same member. Each question about the private company has to be examined very carefully to decide about the public importance of the matter raised *vis-a-vis* the responsibility of the Government about that matter.

The following provisions in the Rules of Procedure and Conduct of Business in Lok Sabha are vital for deciding the admissibility of questions relating to private companies:

> 41. (1) Subject to provisions of sub-rule (2), a question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed.
>
> (2) The right to ask a question is governed by the following conditions, namely:
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> * * * *
>
> (vii) it shall not relate to a matter which is not primarily the concern of the Government of India.
>
> * * * *

(xvi) it shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India.

A question about a private company may not be admitted in case no public purpose is served in seeking the information although the matter may involve responsibility of the Government of India. In this category come notices of questions which seek information about details of private companies like the place where the company is located, the number of persons working therein, the products manufactured by the company, the prices fixed by the company for its products. If such a question is admitted, the mechanism of questions can be misused for giving publicity to various private companies[1] and their products. Looking from another aspect any question tabled about a company can be a cause for concern and worry to the company, even when the company is otherwise innocent because when such a question is tabled some Department of Government would naturally approach the company under reference for getting the information required in reply to the question and this exercise might cause some misapprehension in the mind of the company that some report about their functioning has been lodged and Government were making enquiries. In view of this position, questions which *prima facie* seek routine information about a company without mentioning any irregularity may normally be disallowed and not even referred to the Ministry.

The decisions taken in the past reveal that at times questions may be admitted mainly on consideration of public importance of the matter raised although technically direct responsibility of the Government of India may not be involved.[2] Similarly sometime back, a news-item about mixing of beef tallow or animal tallow in vanaspati caused widespread public reaction and according to press reports even in places of worship offering of food articles or sweets cooked in ghee was prohibited. There was a spate of questions about a private company which had imported beef tallow and sold it to some companies manufacturing vanaspati. A number of questions about this matter were addressed to various Ministers from different angles.

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1. Question seeking information about T.V. sets manufactured by a company, capital invested therein by the partners and T.V. sets produced by the company was disallowed.

2. *Cent Leg. Ass.*, SQ No. 1071, 30 May, 1924; SQ Nos. 1655-56, 8 September, 1924; and S.Q. No. 1869-71, 15 September 1924. The information sought related to shareholders, sharecapital and dividend paid by the Tata Iron and Steel Works Ltd. and the Report of the Committee of Investigation formed by creditors of the Alliance Bank of Simla and its dealings with another firm.

In view of public importance of the matter, many of these questions were admitted and their replies found a place in the Debates.[3]

Normally, no question is admitted about a private company till facts of the matter raised therein have been ascertained from the concerned Ministry. The only exception could be where facts are well known through statements by Ministers or press briefings by officials of the Ministry appearing in the newspapers or broadcast over the news media. However, there are some cases where in spite of sufficient time being given to Ministries to collect and furnish the facts, no replies are received even on the day on which the last List of Questions pertaining to the particular Ministry is sent for printing. In all such cases the matter is examined on merits on the basis of wordings of the question and the question allowed to be printed after ensuring that it does not contain any inferential matter or unsubstantiated allegation.

If a list is made of questions about private companies answered either orally or through written replies. the number would run into hundreds if not in thousands since the First Lok Sabha.

While admitting questions about private companies, the following aspects are particularly taken care of:—

(i) It has to be ensured that a company with the name mentioned in the question actually exists. Unless the company is well known through the products it manufactures or the business it transacts, the confirmation about the existence of the company is made by referring the notice to the Ministry. There have been occasions where questions were disallowed on the basis of information given by the Ministry that there was no company with the name mentioned or at the address given in the question.

(ii) It has to be ensured that the matter raised does not fall within the jurisdiction of the State Government or local administration. Questions about retrenchment, closure or labour trouble in a private company are disallowed if the company is a State Government undertaking or a private company licensed by the State Government. Labour trouble or closure of a private company situated in a State is the concern of the State Government and as such a question is inadmissible under Rule 41(2)(vi).

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[3] *L.S. Deb.*, USQ No. 82, 27 May, 1983; USQ No. 1157, 1 August, 1983; USQ No. 5012, 26 August, 1983; and USQ No. 3064, 12 December, 1983.

(iii) Where a question relating to a private company seeks information about:—

(a) evasion of Central excise/customs duties or income-tax;

(b) non-depositing of amounts due under Central Provident Fund Act or Employees State Insurance Scheme; and

(c) misutilisation of licence or quota issued under a permit of the Central Government

the question is first referred for ascertaining the factual basis. Such a question may be admitted if facts confirm—

(a) evasion of taxes or excise or customs duties or substantial arrears of excise duty or income-tax;[4]

Questions seeking information about taxes paid by a private company are inadmissible in view of the fact that under Section 138 of the Income-tax Act, 1961, any person can make an application to the Commissioner of Income-tax in the prescribed form for any information relating to an assessee in respect of any assessment and the Commissioner may, if he is satisfied that it is in the public interest to do so, furnish or cause to be furnished the information asked for in an assessment only. Thus the information or documents which could not be obtained through an application to the Commissioner of Income-tax under provisions of the law, cannot be thrown open to the public through the medium of reply by Government to a question in Lok Sabha.[5]

(b) if the arrears of provident fund or employees insurance contribution are substantial;[6]

The question is disallowed if there are no arrears or the arrears are negligible. A question seeking information only about amounts actually deposited is not admitted as no public importance is involved.

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[4] *L.S. Deb.*, SQ No. 943, 2 March, 1984; USQ No. 2257, 9 March, 1984; USQ No. 5614, 30 March, 1984; and USQ No. 9098, 4 May, 1984.

[5] Handbook for Members, page 17.

[6] *L.S. Deb.*, USQ No. 10293, 8 May, 1984 re: EPF and ESI dues against Bigston T.V. Delhi; USQ No. 10466, 8 May, 1984 re: EPF and ESI dues against Thomson Press, Faridabad.

(c) misutilisation of the licence or permit or of imported raw material or using the imported raw material for adulteration etc.[7]; and

(d) importing of goods under fake description (like import of stainless steel in the guise of drugs).[7]

An analysis of the questions about private companies in the past shows that the questions on the following aspects are admissible:—

(i) letters of intent granted by the Government, the progress made in setting up of industry or misuse of such letters of intent[8];

(ii) registration of a company, irregularities or delays in convening meeting of Board of Directors, Government nominees on Board of Directors[9];

(iii) companies seeking permission to enter into foreign collaboration, their expansion plan and import and export aspects of their proposals[10];

(iv) big companies entering into fields reserved for small sector;

(v) taking up of the company for examination by the Company Law Board or issue of notices by them for alleged violation of the Companies Act[11];

(iv) proposals for merger of two companies[12];

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7. *L.S. Deb.*, USQ No. 5212, 26 August, 1983.

8. *L.S. Deb.*, USQ No. 7920, 19 April, 1983 *re*: issue of industrial licences to M/s. Pfizer USQ No. 9502, 2 May, 1983 *re*: licence to Unit II in Shakaranagar, for expansion; USQ No. 5234, 26 August, 1983 *re*: licence issued to Jain Shudh Vanaspati for import of rapeseed oil and beef tallow; USQ No. 1516, 6 March, 1984 *re*: lincence for manufacture of toilet soap etc. to Hindustan Lever Ltd.; and USQ No. 10193, 7 May, 1984 *re*: export licence of maritime catch given to M/s. Golden Fisheries and Bali Exports.

9. *L.S. Deb.* USQ No. 2210, 26 December, 1983 *re*: Bata India Ltd.—alleged manipulations by the Company's Directors in Extraordinary General Body Meetings.

10. *L.S. Deb.*, USQ No. 8538, 26 April, 1983 *re*: Bata India Ltd.—foreign holdings of the companies; USQ No. 7991, 18 April, 1984 *re*: non-approval of agreement between M/s. Gillette and M/s. Poddars for manufacture of blades—use of foreign brand name.

11. *L.S. Deb.*, USQ No. 2767, 15 March, 1983 *re*: alleged violation of Company Laws by Swadeshi Cotton Mills Co., Ltd. and Swadeshi Mining and Manufacturing Company Ltd.; USQ No. 228, 15 November, 1983 *re*: alleged violation of provision of Compan Law by Chelmsford Club Ltd.; and USQ No. 2609, 13 March, 1984 *re*: violation of Companies Act by M/s. Vam Organic Chemicals Ltd.

12. *L.S. Deb.*, USQ No. 2630, 15 March, 1983 re: merger of Indian Aluminium Company Ltd with Mahindra and Mahindra Ltd.; USQ No. 8826, 27 April, 1983 *re*: amalgamation of Indian Tube Co. with TISCO; USQ No. 1377, 22 November, 1983 *re*: merger of Centron Industrial Alliance Ltd. with Brooke Bond India and SQ No. 551, 4 April, 1984 *re*: taking over of industries by Hindustan Lever—Concurrence of Government.

(vii) investigations into restrictive trade practices under MRTP Act[13];

(viii) permission to the company for manufacture of goods with foreign brand names;

(ix) foreign holding in the company and its dilution to the prescribed limit of 40 per cent[14];

(x) malpractices in the manufacture of goods or their marketing in respect of well-known consumer items[15];

(xi) representations received from workers of the company regarding their grievances or irregularities committed by the company[16];

(xii) facts about a licence or permission given by the Government for setting up of a project—hotel or a company—default in payment of the amounts due to Government or violation of terms of Government permission;

(xiii) assets of large business houses and increases therein;

(xiv) excess production by the company and its regularisation[17];

[13]. *L.S. Deb.*, SQ No. 344, 22 March, 1983 *re* : investigation by MRTP Commission about Hindustan Lever Ltd.; USQ No. 3892, 20 March 1984 *re*: enquiry by MRTP Commission about M/s. Lohia Machines Ltd.; and USQ No. 2689, 15 March, 1983 *re*: restrictive trade practices by Raymonds Woollen Mills Ltd.

[14]. *L.S. Deb.*, USQ No. 8538, 26 April 1983, *re*: foreign holdings of Bata India Ltd.

[15]. *L.S. Deb.*, USQ No. 11, 26 July, 1983 *re* : checkon publicity and advertisement by manufacturers of aerated water like Colalite, Appela, Rasik, Campa Orange, Sprint, Gold Spot etc. as per clause 11(3) of Fruit Products Order, 1955; USQ No. 4737, 21 December, 1983 *re* : Malpractices indulged by M/s. J.K. Cements, Rajasthan and arrest of some executives; USQ No. 6088, 3 April, 1984 *re*: M/s. Pfizer Ltd.—issue of show cause notice regarding Marketing of products without Government approval; and USQ No. 9212, 27 April, 1984 *re* : complaints against Reliance Textile Industries.

[16]. *L.S. Deb.*, USQ No. 9533, 3 May, 1983, *re* : representation from employees of United News Agency for fixation of wages as per Palekar Award; USQ No. 1445, 2 August, 1983 *re* : representation from employees-cum-share holders of Hindustan Lever Ltd. against sale of factory; and USQ No. 1523, 2 August, 1983 *re* : alleged misuse of shareholders' money by M/s. J.K. Synthetics Ltd.

[17]. *L.S. Deb.*, USQ No. 9994, 4 May, 1983 *re* : installed capacity of Modi Tyres—reaction of Government against excess capacity utilisation, USQ No. 6254, 3 April, 1984 *re*: capacity allowed to M/s. Warner Hindustan Ltd., and USQ No. 6256, 3 April, 1984 *re*: details of productions of M/s. Warner Lambert Ltd.

(xv) increase in the prices of products like automobiles, truck chassis etc., shortage of products and monopolistic trade practices in their distribution or appointment of dealers[18];

(xvi) delays in attending to complaints about goods manufactured or supplied by the company[19];

(xvii) demand for nationalisation of the company in view of financial losses or malfunctioning which have been brought to Government's notice through a representation or memorandum on which Government has taken some action[20];

(xviii) failure of the company to meet certain obligations under various Acts or rules or terms of licences etc.[21];

(xix) violation of guidelines issued to the company by the Company Law Board, Reserve Bank of India or the Government for tampering with the records of the company[22];

(xx) financial assistance or loan given to the company by the banks and other Government financial institutions where amount is substantial[23];

(xxi) investment by non-resident Indians in private companies[24]; and

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[18]. *L.S. Deb.*, USQ No. 2965, 7 December, 1983 *re* : increase in prices of Bata Shoes.

[19]. *L.S. Deb.*, USQ No. 7749, 17 April, 1984 *re* : complaints received against Poonam Gas, Shakurpur and Raja Gas, Lawrence Road, Delhi *re* : consumers being compelled to purchase gas stoves from them; and USQ No. 10324, 8 May, 1984 *re* ; complaints against M/s. Eastern Gas & Power Company, Calcutta re : malpractices being perpetrated in supply of domestic LPG to consumers.

[20]. *L.S. Deb.*, USQ No. 8097, 20 April, 1983 *re* : nationalisation of Jaipur Udyog Limited, Sawai Madhopur and its handing over to G.C.I. of Rajasthan Government; SQ No. 131, 2 August, 1983 *re*: decision to nationalise Bengal Immunity Company Ltd., SQ No. 150, 7 March, 1984 *re* : nationalisation of Bengal Potteries and National Tannery —shortage of raw material and financial stringency; and USQ No. 5833, 30 March, 1984 *re* : memorandum from Kapra Mazdoor Union and Textile Mazdoor Congress for taking over of Birla Mills by Government.

[21]. *L.S. Deb.*, USQ No. 1370, 22-11-1983 *re* : transfer of shares purchased by a non-resident Indian in two companies; and USQ No. 7048, 12 April, 1983 *re* : execution of export bond and violation of conditions of industrial licence by M/s. Pfizer.

[22]. *L.S. Deb.*, USQ No. 1506, 1 March, 1983 *re* : collection of Dharmada by Modi Rubber Ltd.; and USQ No. 7100, 12 April, 1983 *re* : deposits accepted by M/s. Alkali and Chemicals Corporation of India in excess of ceiling limit.

[23]. *L.S. Deb.*, USQ No. 2330, 9 December, 1983 *re* : shareholding of Pure Drinks in Meridien Hotel Project —paid up capital of Pure Drinks Pvt. Ltd.—carried forward loss or profit of the company —the amount loaned by the financial institutions and banks to this project; and USQ No. 9242, 27 April, 1984, *re* : Inquiry by RBI into opening of letter of credit by M/s. Jun Shudh Vanaspati Ltd. with New Bank of India for import of beef tallow.

[24]. *L.S. Deb.*, USQ No. 280/453, 26 July, 1983 *re* : refusal by M/s. Escorts Ltd. to transfer shares; USQ No. 1370, 22 November, 1983 *re* : transfer of shares purchased by non-resident Indians ; and USQ No. 5112, 27 March, 1984 *re* : reported purchase of shares of DCM by Shri Ram Fibres.

(xiii) research and development made by a company which is of general public interest.

There have been instances where controversies were raised in the press about private companies controlled, connected or associated with the names of Ministers or their relations. About those matters the questions were admitted to enable the Government to clarify the position and remove any misapprehensions in the minds of the people about official favours to such companies.

Sometimes questions mentioning the name of a private company which seek to point out loopholes or lacunae in the existing policy of the Government are admitted in order to provide an opportunity to the Government to go into the matter, clarify the position and take action where necessary.

Questions about private companies are normally disallowed:—

(i) which go into day-to-day working of the company without raising any question of principle;

(ii) which advocate cause of a particular company or a group of companies (A representation submitted by a private company to promote its own individual interest, as contradistinguished from the interests of the class as a whole, cannot be considered a matter of public importance);

(iii) which are of a routine nature where no point of policy or irregularity is involved; and

(iv) which seek detailed information about the set-up of a company (such questions are inadmissible as records of the company are open to inspection by the interested parties on payment of fees in terms of the Companies Act.

To summarise the position it can be said that questions about private companies are admissible only where (i) matter raised is of public importance, or (ii) either direct or indirect responsibility of the Government is involved, or (iii) there is a basis for irregularities or allegations made in the question about the company.

Mr. Speaker : Shri Amarsinh Rathawa. The hon. member is absent. Shri D. L. Baitha. He is also absent. Shri Lal Duhoma. He is also absent. There has been a hat-trick and by the time I reach the fourth name the time will be over. Shri Chinta Mohan. He is also not there. There is no chinta now. Shri Amar Roy pradhan. Here you are. You have broken the monotony and by the time you put the Question, Question Hour will be over.

(*L. S. Deb.*, 11 April, 1985)

JOINT INAUGURAL MEETINGS OF THE FINANCIAL COMMITTEES OF PARLIAMENT

The Joint Inaugural Meeting of the Financial Committees of Parliament (1985-86), was held on 6 June, 1985 in the Parliament House Annexe, New Delhi. The Speaker, Lok Sabha, Dr. Bal Ram Jakhar delivered the inaugural speech.

Shri Chintamani Panigrahi, Chairman, Committee on Estimates welcoming the Speaker and the Chairmen and members of the Committees recalled the important and onerous role assigned to the Estimates Committee, and said: "It has not only to act as eyes and ears of Parliament but also to be an effective instrument for parliamentary surveillance over Government enforcing financial discipline in public institutions and securing financial accountability of the executive to Parliament." He, however, observed that the Committee was not to be conceived as an adversary of the Government following a negative approach in only pointing out failings, but as a sincere partner with the Government in the common endeavour of promoting maximum good of the maximum number of people. He assured the Speaker that the Committee would uphold the great traditions of team spirit, non-partisan approach, objectivity in deliberations and unanimity in conclusions, which it had evolved over the years.

In his speech, Shri K. Ramamurthy, Chairman of the Committee on Public Undertakings (CPU) outlined the role and functions of his Committee in the context of increasing involvement of the State in industry and trade after Independence and establishment of a large number of autonomous corporations and Government

Companies in various sectors. He specifically distinguished the functions of CPU from the other two Financial Committees, namely, the Estimates Committee and the Public Accounts Committee, inasmuch as the criteria for the appraisal of the performance of a public undertaking had to be different from those applied to the working of a Government Department. Moreover, according to him, the same criteria could not be applied uniformly to judge the performance of all the public undertakings because the nature of their activities and commitment to the society was different. He added: "The Committee on Public Undertakings has, therefore, to keep an open mind and try to appraise an undertaking in its proper perspective with reference to its role and social responsibilities."

In his inaugural address, Dr. Bal Ram Jakhar, Speaker, Lok Sabha, recalling the very heavy responsibility put on the shoulders of the Financial Committees, termed them as "the backbone for the good functioning of our parliamentary system." because they were overseeing and watching financial management of nation's purse comprising the money, hard earned with sweat and toil of the people and which was to be spent for their welfare and for their good. He emphasised the pursuit for attainment of qualities of good work, team work and collective work for the furtherance of fulfilling the responsibility entrusted to the Financial Committees. Briefly referring to the functions and the role of the three Financial Committees, he urged upon their members to take their task seriously, wholeheartedly, dedicated and sincerely. Dealing with the discussions on the Departments in the Budget, he said that the demands for grants of only a few Departments could be discussed in the House and the rest were guillotined. In this context, he urged upon the necessity of having Budgetary Committees to scrutinise all the Departments. He insisted that by having these Committees "everything could be scrutinised in detail, whatever alterations have to be made can be made and the suggestions made will be accepted honourably without losing grace on any side." He hoped that before the next Budget came, the Budgetary Committees might be introduced, and that in future every Department would be screened. He termed it as the ushering in of a new era in financial objectivity as well as overseeing. He exhorted the Chairmen and Members of the Committees to be very rough and very strict and asked them to see that a person deputed on a job must be attuned to it and responsibility for faults must be fixed.

Shri Erasu Ayappu Reddy, Chairman of Committee on Public Accounts, proposing a vote of thanks to Dr. Jakhar. said: "By up-

holding the laudable democratic convention of appointing a member of the Opposition as the Chairman of the Public Accounts Committee, you have burdened the Opposition to play a constructive role and work with responsibility." Referring to the stress laid by the Prime Minister and the Speaker on accountability and financial discipline to ensure financial stability, he outlined the dual responsibility of the Public Accounts Committee of keeping a vigil over the inflow and outflow of revenue and to the intended areas of operation. He called for identification of the "clogs that obstruct and the leakages that sap the smooth inflow of revenues," and urged that the "respiratory and circulatory systems of the nation," must be safeguarded. He agreed with the Speaker's suggestion for strengthening the Committee system and welcomed "a just and equitable ratio between the present system and the Committee system, which will enable members to contribute their ideas and exchange their views scientifically and objectively in a serene atmosphere."

Shri Vasant Sathe: Sir, my Minister deals with most of the items that are underground. (*Interruptions*). Those who are used to underground would probably appreciate it and our job is to expose and bring it on the surface and use it for good of the people.

(L.S. Deb., 12 April, 1985)

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HOMAGE TO PANDIT JAWAHARLAL NEHRU

A meeting was held on 27 May 1985 in Parliament House Annexe, New Delhi under the auspices of the Indian Parliamentary Group to mark the 21st Death Anniversary of Pandit Jawaharlal Nehru. The meeting was presided over by Dr. (Shrimati) Najma Heptulla, Deputy Chairman, Rajya Sabha and Vice President of the Indian Parliamentary Group. Professor Rasheeduddin Khan of Jawaharlal Nehru University and former Member, Rajya Sabha and Professor N. G. Ranga, member, Lok Sabha addressed the gathering.

Presiding over the meeting, Dr. Heptulla said that one of the greatest contributions of Pandit Nehru to India was his absolute adherence to the democratic process. Nationalism, socialism and secularism constituted the main pillars of the edifice of democracy that he had sought to build. Parliament symbolised for him the ultimate sovereignty of the people and he was over-zealous in guarding its dignity. He utilized the institution of Parliament in furthering the cause of India's march towards economic development. She called upon the parliamentarians to learn a lot from Nehru in that regard.

Recalling Pandit Nehru's firm belief in universal peace and the concept of one world community, Dr. Heptulla said that he consistently stood for peace and development, and opposed vehemently the senseless race for armaments, particularly for nuclear weapons, amongst the Super Powers. His non-aligned policy of peaceful coexistence had paid rich dividends, she added.

Addressing the meeting, Professor Rasheeduddin Khan said that Pandit Nehru had lived a life so full of vigour and vitality, that death appeared false in the backdrop of the impact which he had made on the history of India, and on his contemporary times. This immortal character of Jawaharlal Nehru evoked a special appeal in the hearts of all who were agonizingly conscious of the incomplete pro-

cess of social transformation in the country and the incomplete process of decolonization and development in the world. Pandit Nehru had fused within his personality almost a quest for a more complete 'Indian', much that was significant and abiding in the ancient, medieval and modern stages of growth of the continuing Indian civilization. He had insisted on inheriting the whole of India, and so indeed he had done.

Commending the qualities of Pandit Nehru, he stated that Nehru's commitment to the modernisation of India found expression in his attachment to the six guiding principles for national reconstruction, namely, inculcation of rationalism and scientific temper; secular outlook in politics; cosmopolitanism in culture; use of modern technology and scientific skills for the development of economy; adaptation of socialist principles to Indian conditions; and stabilisation of the foundations of a participatory, federal democracy. Inspired by these ideals he had given a positive shift and a definite direction to the complex process of building a new India. Describing Pandit Nehru as a system-builder, Professor Khan said that he was not only an architect of resurgent India, but also of an awakened and emancipated Asia, and the de-colonised world.

Professor Khan further observed that Nehru's thinking and understanding was imprinted on the many resolutions on international affairs adopted by the Indian National Congress. In fact, he had been the conscience-keeper of the Congress on world affairs since 1927. Pandit Nehru took keen interest not only in larger global concerns, but also in extending support and succour to other national and liberation movements, with the result that by the time India had become independent, the major thrust and objectives of her foreign policy were already articulated in the resolutions and statements of the Indian National Congress.

Paying his tributes, Professor N. G. Ranga said that Pandit Jawaharlal Nehru had founded the Non-alignment movement to serve the Dame of peace and made it a world-wide movement and a world-wide force. He had laid the foundation and had built it up into an edifice. On the relevance of Pandit Nehru today, Professor Ranga recalled his spirit of tolerance, mutual help and assistance and love and stressed on the nurturing of those qualities in the country in order to have peace on the eastern as well as the western frontiers.

6

WIT AND HUMOUR IN PARLIAMENT

The Houses of the Union Parliament and of the State Legislatures sometimes witness heated discussions. But, it is not all just heats discussions shed light as well and there are also lighter interludes. Continuing this feature we have endeavoured to capture some moments of wit and humour experienced during the second session of the Eighth Lok Sabha.

—*Editor.*

Lok Sabha

Professor P. J. Kurien: There is a famous dictum that prevention is better than cure. Is it not a fact that we are not having sufficient preventive drugs?

Professor Madhu Dandavate: Don't say that. Otherwise, there will be preventive detention.

Shri S. Jaipal Reddy: The prevention of a question is better than the cure of an answer.

(*L.S. Deb.*, 14 *March*, 1985)

Shrimati Geeta Mukherjee: ...Why is it that in 1984 out of 167 prosecution cases launched, only 38 cases ended in conviction and only 40 cases were disposed of? Why is it that so many cases are still hanging and there is such a little conviction? Is there any lacuna in the Act?

Mr. Speaker: Hanging is the maximum punishment.

(*L.S. Deb.*, 8 *April*, 1985)

Shri Eduardo Faleiro: I would like to point out what has been said here in an opinion poll commissioned by Compass- News

Features from NOP Market Research Ltd. of London. It is this ignorance about our country which has got to be dispelled by our Embassies. This market research was carried out in three countries simultaneously in December, 1984, and the countries reflected three different expressions of the industrialised world—the United States, Britain and Norway. They were first asked whether the industrialised countries should do more for the third world or what they were doing was enough, and in the process they were asked, "What is the 'third world'?" Mind you, there were a substantial number of people in the United States who said, "*The third world is the world that will emerge after the Third World War*". This is the finding that has emerged. There were others who said that the third world was the world of outer space—*the first world was land, the second was water and the third world was the world of outer space.* So, this is the knowledge or ignorance they have in those countries about developing countries...

(*L.S. Deb., 9 April,* 1985)

Shrimati Geeta Mukherjee: Sir, with a very heavy heart I read the statement made by our newly-appointed Minister for Textiles and Supply. Unfortunately, this whole statement does not have even one line of sympathy towards the workers of jute mills of West Bengal. The Hon. Minister has surprised me, particularly because the largest percentage of them come from Bihar. That being the case, it is actually surprising that you do not have even one word of sympathy for them.

Mr. Speaker: May be he was afraid that he might be accused of nepotism.

(*L.S. Deb., 9 April,* 1985)

Shri Saifuddin Chowdhury: Sir, during the ASIAD we suggested certain games to be distributed to different areas so that stadia could be built in other areas also. But that was not done. It is an eye-wash and I did not know whether for political purposes they may be used or not, but there is a feeling in the minds of the people that as they are lying idle, Government is considering to convert them into wild life sanctuary. Is that true?

Shri Rajiv Gandhi: The hon. member will be most welcome to come to the stadia.

(*L.S. Deb., 10 April,* 1985)

Professor Madhu Dandavate: My question is, has he followed anything?

Mr. Speaker: At least, I have not, Sir. Have you followed, Professor? (*Interruptions*) If you have followed it, then please explain it. Mr. Raju may explain it.

Professor Madhu Dandavate: I can make the confusion more confounded.

(*L.S. Deb.*, 11 *April*, 1985)

Shri Vasant Sathe: We are committed, we are keen; and, therefore, I want to assure the House that we are committed to complete the Visakhapatnam plant. We will try to find necessary resources.

Shri C. Madhav Reddy: By what time?

Shri Vasant Sathe: As early as possible, we can. I will tell you why.

Shri C. Madhav Reddy: To-day's newspapers say: 'By the turn of century'.

Shri Vasant Sathe: In your life time. I can assure you of that much. That means you have to live long, naturally; and I am wishing you long life also.

Shri C. Madhav Reddy: What is the time of the plant?

Shri Vasant Sathe: The life time of the hon. members.

Shri C. Madhav Reddy: Our life—physical life or political life?

Shri Vasant Sathe: Political life I cannot guarantee.

Mr. Deputy Speaker: There are younger people in the House.

Shri Vasant Sathe: About political life, they have to take care of it themselves.

(*L.S. Deb.*, 12 *April*, 1985)

Shri Veerendra Patil: In 1984-85, the wholesale price index for other commodities was 341.7 whereas price of drugs and medicine was only 191.7. If you compare the price index of drugs and medicines with the price index of other commodities...

Shrimati Geeta Mukherjee: It is all drugged figures...

(*L.S. Deb.*, 15 *April*, 1985)

Shri Bansi Lal: Whatever lines are surveyed, whenever the funds are allocated by the Planning Commission, we will take up those lines.

Professor K. K. Tewari: Sir, please request the Railway Minister to be a little more explicit in his replies. He is so brief and precise.

Mr. Speaker: Brevity is the soul of wit, Sir.

(*L.S. Deb.*, 18 April, 1985)

Shri Rao Birendra Singh: Shrimati Geeta Mukherjee mentioned about brinjals and *bhindis* and all that but she forgot to mention about potatoes and onions.. (*Interruptions*). Most important vegetables are going very cheap. You should eat them, they are in plenty.

Shrimati Geeta Mukherjee: From now onwards we will eat only potatoes.

Rao Birendra Singh: No, no, alternatively. One day onions and the next day potatoes.

(*L.S. Deb.*, 22 April, 1985)

Shri Satyagopal Misra: You are correct. Drilling work is going on.

Shrimati Phulrenu Guha: Drilling is going on. All my friends from Midnapore will agree with me.

Professor Madhu Dandavate: It is underground drilling.

Mr Speaker: Can drilling be above ground?

.. (*L. S. Deb.*, 23 April, 1985)

Professor Madhu Dandavate: If there is such a delay in the obituary reference. I would never like to die.

Mr. Speaker: I appreciate your decision. I think, the House unanimously approves your decision. I will follow your decision.

(*L.S. Deb.*, 23 April, 1995)

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

Inter-Parliamentary Symposium on Disarmament: The Inter-Parliamentary Symposium on Disarmament, relating to conventional weapons, organised by the Inter-Parliamentary Union in collaboration with the United Nations and within the framework of the World Disarmament Campaign, was held in Mexico from 28 to 31 May 1985. The Indian Delegation to the Symposium was led by Shri Ghulam Nabi Azad, Minister of State for Parliamentary Affairs and consisted of Shri M. M. Jacob, M.P., Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha was Secretary to the Delegation.

The following subjects were discussed at the Symposium:

I. General consideration of the issue—

(a) conventional weapons—the nature of the problem; and

(b) possibilities for progress towards conventional arms limitation and disarmament.

II. Consideration of selected aspects—

(a) the consequences for international peace and security;

(b) the political, social and economic effects;

(c) the consequences for development;

(d) the impact of modern technology;

(e) arms transfers and their implications; and

(f) limitations and reductions in conventional weapons by bilateral, regional and multi-lateral measures.

21st Death Anniversary of Shri Jawaharlal Nehru: A meeting on the occasion of 21st Death Anniversary of Shri Jawaharlal Nehru, first Prime Minister of India, was held under the auspices of the Indian Parliamentary Group on 27 May 1985 in Parliament House Annexe, New Delhi. Dr. (Shrimati) Najma Heptulla, Deputy Chairman, Rajya Sabha presided and Professor N. G. Ranga, M.P. and Professor Rasheeduddin Khan addressed the meeting.

Indian Parliamentary Delegation Abroad

Parliamentary Delegation to Poland: On the invitation of the Sejm (Parliament) of Poland, an Indian Parliamentary Delegation, led by Shri H. K. L. Bhagat, Minister of Parliamentary Affairs, visited Poland from 10 to 15 June 1985. Besides the Leader, the Delegation consisted of Shri M. S. Gurupadaswamy, M.P.; Shri V. S. Krishna Iyer, M.P.; Shri M. Maddanna, M.P.; Shri Mahendra Singh, M.P.; Shri Brajamohan Mohanty, M.P.; and Shri Ram Singh Yadav, M.P., Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha, was Secretary to the Delegation.

Bureau of Parliamentary Studies and Training

During the period, 1 April to 30 June 1985, the following programmes/courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat:

Orientation Programme for new members of State Assemblies: Three Orientation Programmes for new members of (i) Himachal Pradesh, Manipur, Arunachal Pradesh, Goa, Daman and Diu and Pondicherry Legislative Assemblies; (ii) Madhya Pradesh Vidhan Sabha; and (iii) Orissa Legislative Assembly, were organised on 2-3 May 1985 at Shimla, 18—22 May, 1985 at Bhopal and 9—12 June 1985 at Bhubaneswar respectively. These were attended by (i) 52 new members—26 from Himachal Pradesh Vidhan Sabha, 3 from Manipur Legislative Assembly, 3 from Arunachal Pradesh Legislative Assembly, 11 from Goa, Daman and Diu Legislative Assembly and 9 from Pondicherry Legislative Assembly; (ii) 137 new members of Madhya Pradesh Vidhan Sabha; and (iii) 139 members of Orissa Legislative Assembly, respectively.

The programmes were intended to provide opportunities to new members to discuss and analyse various aspects of parliamentary processes and procedures and familiarise themselves more closely with the operational mechanics of parliamentary institutions. The programmes, in short, endeavoured to assist the new legislators to face with confidence and ease the onerous tasks, responsibilities and challenges of their job in order to become effective legislators.

The Orientation Programme held at Shimla was inaugurated by Shri Virbhadra Singh, Chief Minister of Himachal Pradesh and that held at Bhopal was inaugurated by Shri Moti Lal Vora, Chief Minister of Madhya Pradesh. As the Speaker, Lok Sabha could not go to Bhopal, his address was read out by the Speaker, Madhya Pradesh Vidhan Sabha. At Bhubaneswar, the Programme was inaugurated by Shri B. N. Pandey, Governor of Orissa.

Inaugural addreses were followed by panel discussions on various subjects, such as "Problems faced by new members," "Role and opportunities for new members," "Amenities, Facilities and Services for Legisltors," "Legislative Devices available to members to raise various matters—How to be an effective Legislator," "Do's and Dont's for members—Decorum and Legislative Etiquettes, Customs and Conventions," "Privileges of Legislatures" and "Legislators" Relations with Administrators" etc.

The discussions were initiated by some Central and State Ministers, senior parliamentarians and legislators and parliamentary and legislative officials.

The participants actively took part in the deliberations and sought clarifications on various legislative processes and procedures from the speakers.

A set each of the script background notes on the subjects which were discussed in the Orientation Programmes was supplied to each participant for advance study.

Courses for Probationers|Officers of All India|Central Services: Ninth Appreciation Course on parliamentary processes and procedures was organised by the Bureau for IFS Probationers from 29 April to 3 May 1985.

Training Courses: Third Training Course for Middle-level officers of Lok Sabha and State Legislature Secretariats on the working of Financial Committees was organised from 10 to 21 June 1985.

Study Visits: The Bureau also organised 11 one-day Study Visits, for, among others, a group of (i) Central Information Service Probationers; (ii) Session and Additional Session Judges, District Magistrates and Superintendents of Police etc., and (iii) Officers of the British High Commission.

Shri S. Jaipal Reddy: Have we to thump the desks for breaking his long silence?

Mr. Speaker: Have you got any objection?

Shri S. Jaipal Reddy: I have no objection to his silence.

(*L. S. Deb.*, 23 *July*, 1985).

8

PRIVILEGE ISSUES

LOK SABHA

Legislature—a branch of Government: On 26 April 1985, Professor Madhu Dandavate, a member, gave notice of a question of privilege against the Secretary, Maharashtra State Board of Secondary and Higher Secondary Education. He, *inter alia* stated in his notice that in a text book of Civics for Class X, published by the Maharashtra State Board of Secondary and Higher Secondary Education, "Legislature" had been described as a "branch of the Government" and that the "three branches of the Union Government control each other." According to Professor Dandavate when these inaccuracies were brought to the notice of the Board through an article written by one Shri Shirish Deshpande, published in the 16 January 1985 issue of *Loksatta*, the Secretary, Maharashtra State Board of Secondary and Higher Secondary Education issued a clarification which was published in that newspaper in its issue of 2 March 1985, asserting that there was no mistake whatsoever in the text book of Civics. Professor Dandavate contended that it amounted to a breach of privilege and contempt of the House.

The Ministry of Education, to whom the matter was referred under the direction of the Speaker (Dr. Balram Jakhar), clarified that a writ petition was filed in the Bombay High Court challenging the inaccuracies in certain portions of the text book and the High Court after hearing the parties had, *inter alia* observed that it was contended on behalf of respondents that the words and expressions in the book were used in broader sense. The Court recorded an order that, however, since it was brought to the notice of the autho-

rities that it might create misunderstanding, in subsequent editions care would be taken to clarify the position, and use appropriate words.

It was also clarified by the Ministry that in pursuance of the order of the Bombay High Court, the Maharashtra State Board of Secondary and Higher Secondary Education had undertaken the work of revision of the text book suitably and it had been decided that the revised text book would be prescribed from the next academic session.

On 17 May 1985, the Speaker, observed in the House that he had received a communication from the Ministry of Education stating that the text book was being revised and that the revised one would be prescribed from the next academic session. The Speaker added that he did not give his consent under rule 222 to raise a question of privilege in the House.

Professor Madhu Dandavate thereupon urged the Speaker to make a reference to the order of the High Court and endorse the same. The Speaker observed that the "Parliament was supreme.... It was separate ... and that was what he had upheld."

STATE LEGISLATURES

KARNATAKA LEGISLATIVE COUNCIL

Alleged suppression of facts and misleading of House by Minister: On 11 April, 1984, the Chairman (Shri K. Rahman Khan) observed that Shri B. J. Puttaswamy, a member, had given notice of a question of privilege under rule 168 of the Rules of Procedure of the Karnataka Legislative Council on 16 September 1983, against Shri M. Chandrasekar, Minister for Urban Development. In his notice, he had contended that while replying to the discussion on a short notice question on 23 August 1983, regarding the mal-administration and corrupt practices prevailing in Bangalore City Corporation, and also while replying to certain Starred and Unstarred Questions the Minister had deliberately suppressed certain facts and had misled the House.

The Chairman further observed that the issues raised by Shri Puttaswamy, in which the Minister was alleged to have misled the House related to the powers of the Commissioner of Bangalore City Corporation to make temporary appointments as per Government Order No. DPAR|61|SLC|27 dated 25 November 1977 and subsequent order issued under Karnataka Municipal Corporations Act, 1976.

Whereas the member said that the Commissioner had no such power, the Minister had stated that the Corporation Commissioner possessed such powers and only 47 temporary appointments had been made by him during 1983-84. Shri Puttaswamy had further contended that the Minister had not mentioned anything about the appointment of thousands of *pourakarmikas*, that the Corporation Commissioner's post was of Divisional Commissioner's cadre, whereas an officer of lower cadre had been posted as Commissioner, that an Assistant Engineer had been promoted as Executive Engineer and posted as Superintending Engineer by superseding six Engineers above him. The Minister on the other hand, had stated in his reply that the Assistant Engineer had been promoted as Executive Engineer three years ago and had been discharging the duties of the Superintending Engineer as additional charge. The Minister had thus according to the member, suppressed the facts by not furnishing proper reply regarding the appointment of *pourakarmikas* and other posts in the Bangalore City Corporation and had misled the House.

The Chairman noted that he had examined the Government Orders on the point raised by Shri Puttaswamy regarding power of the Commissioner to make temporary appointments. According to him, the Government Order was regarding local candidates and not regarding temporary appointments. Hence, he ruled that by stating that the Commissioner had got powers to make temporary appointments, the Minister had not misled the House.

Regarding the point that the Minister had misled the House by stating that only 47 appointments had been made temporarily, whereas, thousands of *pourakarmikas* had been appointed during the same period, the Chairman stated that he had examined the proceedings and also the clarification given by the Minister in the House. He ruled that if at the time of putting supplementary questions, the member had asked how many *pourakarmikas* had been appointed and if the Minister had stated that no *pourakarmikas* had been appointed, it would have been a deliberate attempt. Hence, there was no question of the Minister misleading the House.

The Chairman further ruled that posting of an Officer, was purely Government's discretion, keeping in view the norms laid down in this regard. He added that just because the previous Commissioner was in supertime scale and the present Commissioner was in senior scale, the Minister's statement that the senior scale post might be equal to the supertime scale, could not be considered as misleading the House deliberately.

On the question of the Executive Engineer holding the additional charge of Superintending Engineer and that a particular officer being promoted by superseding the claims of six other Engineers in the seniority list, the Chairman noted that that was purely an administrative matter and the Minister had not suppressed or misled the House deliberately. He, therefore, withheld his consent to the raising of the matter as a question of privilege in the House.

Alleged misleading of House by Chief Minister and another Minister: On 12 April 1984, the Chairman (Shri K. Rahman Khan) observed that Shri B. J. Puttaswamy, a member, had given notice of a question of privilege on 16 January 1984, against the Chief Minister and the Minister for Information and Tourism, contending that the Chief Minister had committed a breach of privilege of the House by suppressing facts and thus misled the House while making statement regarding collapse of a multi-storeyed building under construction at Subedar Chatram Road, Bangalore on 12 September 1983.

The Chairman noted that Shri Puttaswamy had also stated that after renewal of licence of the building on 8 July, 1980, by the Bangalore City Corporation, the owner had again submitted the plan of the multi-storeyed building for further renewal and the Corporation authorities had rejected his request as the building constructed was not in accordance with the plans sanctioned and there were many deviations from the sanctioned plan. Thereafter, the Corporation authorities thinking that the owner of the building might go in an appeal against the order of the Corporation filed a Caveat in the Court of City Civil Judge, Bangalore, on 10 October 1983. The concerned file was made available for verification to the members of the Legislative Council. Accordingly, Sarvashri B. J. Puttaswamy, A. K. Subbaiah and S. Mallikarjunaiah had gone through the file in the Chairman's Chamber.

The Chairman said that he had gone through the statements made by the Chief Minister on 13 September 1983, in reply to the adjournment motion by Sarvashri T. N. Narasimha Murthy, A. K. Subbaiah and other members of the Opposition regarding collapse of the multistoreyed building; as well as the statements of the Minister for Information and Tourism on 21 September 1983, in reply to matter tabled under rule 310 of the Rules of Procedure of the Council by Shri T. N. Narasimha Murthy regarding the progress achieved in removing the debris from the collapsed building; and of the Minister for Urban Development on behalf of the Chief Minis-

ter on 11 April 1984, in reply to a question of privilege raised by Shri B. J. Puttaswamy.

The Chairman observed that the Chief Minister in his statement had stated that the building collapsed on 12 September 1983, resulting in the death of 11 persons and injury to 112 persons. According to him, the Bangalore City Corporation had issued a licence to Gopal Film Theatre Complex on 21 March 1975 for the construction of a nine-storeyed building and it was renewed on 8 July 1980 and it was understood that Shri Gangaran, the Proprietor of the Bangalore Book Bureau had taken it on lease and was constructing the building. The Chief Minister had stated that the building was not constructed with proper care. A case was filed against Shri Gangaran and others under Sections 336, 337, 338, 304(A) of the Indian Penal Code. He further stated that the Government had decided to set up a judicial enquiry to go into the affairs of the unhappy incident. The Chairman further observed that the Minister for Information and Tourism had referred to the action taken by the Government in removing the debris and various agencies appointed for helping the injured and in shifting them to hospitals and providing them medical aid, etc. He noted that the Minister for Urban Development on behalf of the Chief Minister in his statement on 11 April 1984, had once again reiterated that the statements of the Chief Minister and the Minister for Information and Tourism mostly concerned with the arrangements made regarding the removal of dead bodies from the collapsed building as well as removal of the injured persons. The Minister for Urban Development had also stated that an Inquiry Commission headed by a Judge of High Court had been set up to examine the whole matter in detail as to the date of issue and renewal of the licence, the reasons for such an unhappy incident and the defects in the building that was under construction etc. He added that he had no ulterior motive or intention to suppress the facts, as otherwise the Government would not have set up an Inquiry Commission. The Minister had further stated that as desired by Shri B. J. Puttaswamy and other members, he had arranged to keep the relevant confidential file in the Chairman's Chamber.

The Chairman observed that the first two statements, i.e. the statements of the Chief Minister and the Minister for Information and Tourism were made immediately after the collapse of the building. He felt that at that time situation was tense and serious, and both of them had devoted their attention in furnishing the factual position regarding relief work instead of furnishing more information about the renewal of licence.

The Chairman was of the opinion that on examining all the three statements made by the Chief Minister, the Minister for Information and Tourism and the Minister for Urban Development, he had come to the conclusion that there was no *prima facie* evidence to show that any incorrect statement had been made by the Chief Minister either deliberately or with the intention of misleading the House. He, therefore, withheld his consent to the raising of the matter as a question of privilege in the House.

Alleged misleading of the House by a Minister: On 12 April 1984, the Chairman (Shri K. Rahman Khan) observed that a member, Shri K. N. Nagegowda had given notice of a question of privilege under rule 168 of the Rules of Procedure of the Karnataka Legislative Council on 6 April, 1984, against the Minister for Rural Development/Panchayat Raj and Leader of the House in the Legislative Council stating that the Minister for Rural Development had misled the House by making wrong statement in the House on 4 April 1984, that no meeting had been convened by the Chief Minister to discuss the border issue on 5 April 1984. The notice had been given on the basis of news reports about the meeting published in leading newspapers on 6 April, 1984.

The Chairman further observed that in reply to the question of privilege, the Minister for Rural Development had stated on 6 April 1984, that neither a discussion nor a meeting had been fixed in respect of Karnataka-Maharashtra border dispute on 5 April 1984, with the Chief Minister of Maharashtra at Bangalore. His statement that 'no meeting is fixed on 5 April 1984' was to be taken with reference to the issue of discussion with the Chief Minister of Maharashtra. He had clarified that what he had said was that no meeting whatsoever had been fixed with the Chief Minister of Maharashtra to discuss border dispute.

The Chairman noted that it was evident from the proceedings of the House that several members were repeatedly demanding to know from the Government whether a meeting was scheduled to take place between the Chief Ministers of Maharashtra and Karnataka and whether the Chief Minister of Maharashtra was coming to Bangalore City. He also noted that in that background the Minister had stated that 'there is no meeting tomorrow' and that the meeting which was held on 5 April 1984, was with the prominent citizens of border area and not with the Chief Minister of Maharashtra.

The Chairman was of the opinion that mere incorrect statement by a Minister could not be the basis for breach of privilege. He added that a breach of privilege could arise only when the Minister made false statement or an incorrect statement wilfully, deliberately or knowingly. In the instant case, he had examined the relevant proceedings carefully and felt that there was no *prima facie* evidence to show that the Minister had made any incorrect statement either deliberately or with the intention to mislead the House. He, therefore, withheld his consent to the raising of the matter as a question of privilege in the House.

MAHARASHTRA LEGISLATIVE ASSEMBLY

Production of documents connected with proceedings of the House in a court: On 23 April 1984, a communication addressed to the Speaker, Maharashtra Legislative Assembly was received from the Judicial Magistrate, 1st Class, Barshi District (Solapur) requesting him to move the House to grant leave for production of certain documents in his court in a criminal case against Shrimati Shailajabai Shitole, an ex-member, for offences under section 406, 407, 409, 468 and 420 of the Indian Penal Code. The documents which were sought to be produced were: (i) muster-roll showing the attendance of Shrimati Shitole during the sessions held in March/April 1972, June/August 1972 and November/December 1972; (ii) brief reports of the said sessions; and (iii) vouchers and counterfoils of cheques showing the payments made to her during the said period.

On 23 May 1984, the Speaker (Shri Sharad Dighe) referred the matter to the Committee of Privileges for examination, investigation and report to the Assembly before the end of the first week of the Monsoon Session, *i.e.* by 13 July 1984.

The Committee of Privileges, in its Report presented to the House on 13 December 1984, noted that the like of such a case was never considered before in the Maharashtra Legislature. The Maharashtra Legislative Assembly rules also did not provide specifically to regulate such a matter. The Committee, therefore, decided to have it considered rather thoroughly and for the purpose, studied the position in similar cases as obtaining in Parliament as also in other State Legislatures.

The Committee noted that the Privileges Committee of Lok Sabha had considered an identical matter and reported it to the House way back in 1957. The Committee also noted that the observations contained in that report of the Lok Sabha Committee and

the line of action recommended therein, were followed in the Rajasthan and Karnataka Legislative Assemblies where occasions had arisen in the past to consider similar cases. The Committee, therefore, thought it worthwhile to reproduce the following relevant extracts from the said report of the Lok Sabha Privileges Committee:

".....The Committee are of the opinion that no member or officer of the House should give evidence in a court of law in respect of any proceedings of the House or any Committee of the House or any other document connected with the proceedings of the House or in the custody of the Secretary of the House without the leave of the House being first obtained.

When the House is not in Session, the Speaker may in emergent cases allow the production of relevant documents in courts of law in order to prevent delays in the administration of justice and inform the House accordingly of the fact when it reassembles. In case, however, the matter involves any question of privilege, especially the privilege of a witness, or in case the production of the document appears to him to be a subject for the discretion of the House itself, he may decline to grant the required permission and refer the matter to the Committee of Privileges for examination and report.

The Committee recommend that whenever any document relating to the proceedings of the House or any Committee thereof is required to be produced in a court of law, the court or the parties to the legal proceedings should request the House stating precisely the documents required, the purpose for which they are required and the date by which they are required. It should also be specifically stated in each case whether only a certified copy of the document should be sent or an officer of the House should produce it before a court of law.

When a request is received during session for producing in a court of law, a document connected with the proceedings of the House or Committees or which is in the custody of the Secretary of the House, the case may be referred by the Speaker to the Committee of Privileges. On a report from the Committee, a motion may be moved in the House by the Chairman or a member of the Committee to

the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House."

After analysing the facts of the case in the light of above, the Committee felt that in the instant case there should be no objection in permitting production of the documents in the court. The Committee, however, noted that some of the documents sought by the court, *viz.* counterfoils of cheques were not available as they had been destroyed. The Committee, therefore, recommended that the Speaker might authorise the Secretary to designate an officer of the Legislature Secretariat, to produce in the Court of the Judicial Magistrate, such documents as were listed in the summons accompanying the letter of request from the Court and as were available, and, to indicate to the Court the fact of non-availability of certain documents, *viz.* counterfoils of cheques, they having been destroyed under the relevant rules regulating compilation, preservation and destruction of records of the Maharashtra Legislature Secretariat.

On 17 December 1984, the Chief Minister (Shri Vasantdada Patil) moved the following motion in the House which was adopted by the House:

"I beg to move that this House, having considered the report of the Privileges Committee on the question of filing certain documents in Court, does accept the recommendations made by the Committee and hereby resolves that for the following purposes the Hon'ble Speaker should empower the Secretary to appoint an Officer of the Legislature Secretariat—

(i) To submit in that Court the documents suggested in the summons sent along with the letter of request No. 465|1984, dated the 6|18 April 1984 received from the Court of the Judicial Magistrate, First Class, Barshi (District Solapur).

(ii) To bring to the notice of the Court a fact that since some documents like the counterfoils of the cheques have been destroyed in pursuance of the existing rules regarding the collection, maintenance and the elimination of the records in the Maharashtra Legislature Secretariat and the fact that the said documents cannot be made available."

RAJASTHAN VIDHAN SABHA

Non-intimation of the demise of ex-members to Secretariat by Government Officers: On 7 March 1984, the Speaker (Shri Poonam Chand Bishnoi) informed* the House that Shrimati Pushpa Jain and Shri Yadunath Singh, members, had given notice of a question of privilege against the District Magistrates of Jodhpur and Jaipur for committing breach of privilege and contempt of the House by not intimating the Legislative Assembly Secretariat about the demise of Shri Chandra Singh Barfa and Shri Ganjyaji Patel, ex-members. The Speaker said that he had called for facts in the matter and the District Magistrate, Jaipur had, after the receipt of the notice of question of privilege, confirmed the death of Shri Ganjyaji Patel and had expressed regret for not having intimated about the death in time. Similarly, the District Magistrate, Jodhpur, while confirming the death of Shri Chandra Singh Bafra, had expressed regret at the delay in sending the intimation.

The Speaker observed that according to well established practice, non-intimation of such information by the District Magistrates did not amount to a breach of privilege. He noted that since obituary references were made in the House to late members, it was necessary that such information was received in time. He had, therefore, issued necessary instructions to the State Government to ensure that the District Magistrates sent immediately the intimations regarding the demise of former or sitting legislators in their districts.

The matter was thereafter closed.

TAMIL NADU LEGISLATIVE ASSEMBLY

Casting of aspersions on members by a newspaper: On 21 March 1983, the Speaker (Shri K. Rajaram) observed** that Sarvashri S. Rajaraman and R. Sundaramoorthy, members, had given notice of a question of privilege against the magazine, *Vaniga Otrumai* and they had sought his permission to move the motion. He said that a copy of the magazine had also been attached to the notice and he had read the article referred to by the members. He added that in that article, members had been criticised in a very humiliating way. Though there was no particular reference, all the members had been referred to in general. He noted that even a cursory glance proved that both the editor and the publisher through the article under reference had committed a breach of privilege by belittling the honour

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* Original in Hindi
** Original in Tamil

of the members and the dignity of the House. Exercising his authority under rule 255 of the Rules of Procedure of the Tamil Nadu Legislative Assembly, the Speaker referred the matter to the Committee of Privileges for examination and report.

The Committee of Privileges, after examining Shri Pal Raj, the Editor and the Publisher of *Vaniga Otrumai*, in its Report presented to the House on 28 March, 1984, reported, *inter alia* that in his evidence the publisher Shri Pal Raj took the responsibility for publishing the article about the members in *Vaniga Otrumai*, that he was prepared to face whatever punishment was awarded to him and that he was not ready to seek any apology for that.

The Committee also reported that the article that had appeared in *Vaniga Otrumai* had criticised the members in a humiliating manner under the caption, 'Vagabonds in the Assembly, Street Urchins, Rowdies, Goondas have forfeited the dignity, prestige and culture of famous Tamil Nadu'.

The Committee noted that it was a serious violation of the rights and privileges of the House if anything was printed or published reflecting adversely upon any member of the House or about his work in the House.

The Committee further noted that the Editor and the publisher of *Vaniga Otrumai*, Shri Pal Raj had taken upon himself the responsibility for the said article. It was a breach of privilege to publish an article defiling the Assembly. The Committee observed that his assertion that he did not regret whatever he had said in his evidence and that he was not prepared to tender apology amounted to justify his action. The Committee further observed that in a democracy, the Parliament and the State Assemblies occupied an important place and it would be undermining democracy if any one tried to shake the people's faith in them and to create hatred towards them. The Committee noted that the Assembly and the Council did not mind even severe criticism and carping comments, but if those, who did such things with the ulterior motive of defiling the Assembly and the Council and also tried to justify their action, were allowed to go scot free without punishment, then that would encourage others to indulge in such improper activities. That would also be a wrong precedent. The Committee was of the opinion that though the printed copies of the magazine were very small in number, yet stringent punishment could be awarded to the publisher. Bearing in mind the dignity of the House, the Committee recommended to the House simple imprisonment for a week to him as a warning and not any stringent punishment.

No further action was taken by the House in the matter.

UTTAR PRADESH LEGISLATIVE ASSEMBLY

Alleged misleading of the House by a Minister: On 12 September 1984, the Speaker (Shri Dharam Singh) informed the House that Shri Ram Swarup Verma, a Member, had given notice of a question of privilege against the Cane Development Minister for allegedly misleading the House on 2 March 1984, while replying to a Starred Question. He had denied receiving the letter referred to in the question, whereas there was an entry in his peon-book showing that the letter had been received in his office on 23 December 1982. The member had enclosed a photostat copy of the relevant entry in the peon book.

The Speaker then observed* that he had called for factual information from the Cane Development Minister in the matter, who stated that before replying to the Starred Question, a thorough investigation was made about the receipt of the letter dated 23 December 1982, referred to in the question. The Minister added that after the receipt of the photostat copy of the peon book, enquiries had been made from the then Minister of State for Cane. According to him, no letter was received from the member on the date mentioned, nor was there any entry in this regard in his office register nor was it in the knowledge of the Minister of State. The Speaker noted that it had also been intimated that the signatures in the photostat copy of the peon book were not legible and did not belong to any person in the office of the then Minister of State for Cane. The Minister had further apprehended the possibility of the letter having been delivered somewhere else by mistake. He had stated that the question of his knowingly giving wrong information to the House did not arise.

The Speaker noted that it was apparent from the above that wrong information was not given knowingly in the House and it was quite possible that the letter addressed to the Cane Development Minister might have been delivered at some other place by mistake. He did not, therefore, give his consent to the raising of the matter in the House as a question of privilege.

WEST BENGAL LEGISLATIVE ASSEMBLY

Casting aspersions on a member for his speech in the House and reflecting on the proceedings of the House: On 14 September 1953,

*Original in Hindi.

Shri Subrata Mukhopadhyay, a member raised a question of privilege against Shri Bachan Singh Saral, General Secretary, Akali Dal, Bengal for his Press release dated 13 September, 1983, containing some adverse remarks on his conduct in making a statement in the State Assembly on 12 September, 1983 regarding a demonstration in the office of the Hindi daily *Sanmarg*. Shri Mukhopadhyay alleged that Shri Bachan Singh Saral had committed a breach of privilege and contempt of the House by printing the said Press release casting aspersions on him and reflecting on the proceedings of the House.

Shri Subrata Mukhopadhyay, while speaking in the Assembly on 12 September, 1983, had *inter alia* stated* that a section of the Akali agitators of Punjab had started disturbances in various places in West Bengal and that recently something was published in the *Sanmarg* newspaper for or against them. He further stated that some people claiming to be supporters of Akali agitators had entered the newspaper office and threatened the editor. He said that a letter delivered by them had been handed over to the Police Commissioner. But till that day no security measures had been taken in that regard.

The impugned Press release dated 13 September, 1983 by Shri Bachan Singh Saral, General Secretary, Akali Dal, Bengal, *inter alia* read that the Akali Dal, Bengal had in a statement decried the allegation made by Congress (I) leader Shri Subrata Mukhopadhyay in the State Assembly on 12 September, 1983 that some Akali supporters had recently demonstrated inside *Sanmarg*, the Hindi Daily newspaper office and had delivered a threatening letter to the Editor. It further said that neither any Akali had been to the Office of *Sanmarg*, nor any letter had been given to its Editor. Therefore, the allegation made by the Congress (I) leader was false and baseless. On the contrary the newspaper had been carrying vituperative propaganda against the Sikhs. It had also been writing threatening editorials against the Sikhs and had even tried to arouse communal feelings against them. Akali Dal was thankful to the people of West Bengal for maintaining communal harmony in the State.

According to the Press release, by alleging that Akalis had threatened the Editor, Shri Subrata Mukhopadhyay had only helped the newspaper to carry out its policy of creating ill feelings between the different communities in the State by writing communal

* Original in Bengali.

editorials. It added that the Akali Dal did not believe in threats and respected the freedom of the Press and that if the Editor had received any threatening letter from any quarter, the Dal would request the State Government to make an enquiry into the allegation.

On 21 September, 1983, referring to the question of privilege raised by Shri Subrata Mukhopadhyay against Shri Bachan Singh Saral, the Speaker (Shri Hashim Abdul Halim) referred the matter to the Committee of Privileges for investigation and report under rule 230 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly.

The Committee after considering a written statement called for from Shri Bachan Singh Saral, in its Third Report presented to the House on 19 March, 1984, reported, *inter alia* that Shri Bachan Singh Saral in his letter dated 16 November, 1983, had *inter alia* stated that it was not his intention to undermine the privilege of Shri Subrata Mukhopadhyay, the hon'ble member of the West Bengal Legislative Assembly. In any case, if his statement had hurt the feelings of the hon'ble member, he was really sorry for that. After a careful consideration of the whole matter including the impugned Press release of Shri Saral, the Committee found that the said Press release of Shri Saral was a direct reflection on Shri Subrata Mukhopadhyay in the execution of his parliamentary duties. The Committee noted that a libel upon a member of the House constituted a breach of privilege when it concerned his character or conduct in the House in his capacity as a member of the House. Thus, the Committee ruled that in the instant case Shri Bachan Singh Saral had committed a breach of privilege and contempt of the House, but in view of his regret expressed in his letter dated 16 November 1983, the Committee decided not to proceed further in the matter. The Committee recommended that no further action be taken in the matter and it might be dropped.

No further action was taken by the House in the matter.

House of Representatives (Australia)

Question whether members enjoy any special privilege regarding possible prosecution of members in matters pertaining to national security: On 6 September 1983, Mr. Ian McCahon Sinclair,

a member sought to raise a question of privilege and stated* as follows:

> "Mr. Speaker, I rise on a matter of privilege. I refer to an article .. (in) .. this morning's edition of the Sydney *Daily Telegraph* which is headed 'Speaker Probes Spy in MP Drama'; it is under the by-line of Mr. Bob Chisholm. During the course of that article there is a reference to this fact:
>
> 'A spokesman for the Speaker, Dr. Harry Jenkins confirmed yesterday that an MP had asked for an investigation into the incident to find out whether it had breached parliamentary privilege.'
>
> "Mr. Speaker, you would also be aware that, on 29 August last, the Attorney-General, Senator Gareth Evans, in a letter to the Prime Minister (Mr. Hawke) commented about the draconian terms of Section 44 (ii) of the Constitution. He said: 'This gives further weight to the argument that the traditional political sanctions are the appropriate ones for all but the most extraordinary and dangerous ministerial breaches of official secrecy.'
>
> "He then said that in the public interest, the prosecution of a member of this House in matters affecting national security, it would not be appropriate for criminal proceedings to proceed. In the light of this article in the *Daily Telegraph*, I ask: firstly, will Mr. Speaker advise the House of the nature of his investigations; to what degree he has reached conclusions on the submission by the honourable member and whether the matter is to be raised in the normal way in this House? and secondly, with respect to the opinion of the Attorney-General, will he assure the House that no greater privilege will be accorded to members of this House than that which should and does apply to the citizens of Australia in matter pertaining to national security other than that privilege which is, of course, as of right, for matters and statements made within the House on matters where specific privilege is accorded by resolution of this place so that there will be no inhibition against any security agencies of this nation inquiring

*House of Representatives (Australia), Deb., 6 September, 1983, p. 355.

into any individual member in the same way as they would inquire into any citizen other than that which is covered specifically by parliamentary privilege?"

The Speaker (Mr. Henry Alfred Jenkins) giving his ruling later in the day observed* as follows:

"Earlier today the Deputy Leader of the National Party, the right honourable member for New England (Mr. Sinclair) raised a matter of privilege. I informed the House that I would consider the matter and make a statement to the House later in the day. In raising the matter the right honourable gentleman referred to an article published in today's issue of the Sydney *Daily Telegraph* and to a letter from the Attorney-General (Senator Gareth Evans) to the Prime Minister (Mr. Hawke) dated 29 August, 1983 and asked two questions. I intend to deal separately with each of these issues.

"The first question dealt with the *Daily Telegraph* article which appeared under the heading 'Speaker Probes Spy in MP Drama'. The article went on to allege that an Australian Security Intelligence Organisation agent is under investigation by me to determine whether he is in contempt of Parliament. In doing so it referred to a published transcript of certain in camera evidence given before the Royal Commission on Australia's Security and Intelligence Agencies. The facts are these: On the afternoon of Sunday, 4 September, I was phoned at my home by a member of this House who expressed concern regarding evidence given before the Royal Commission. The evidence in question referred to ASIO surveillance of a member of Parliament, particularly with reference to association with Valeriy Ivanov, the expelled Russian diplomat. The honourable member could have been the person concerned in that evidence and raised with me the general question of breach of privilege and sought advice on the courses that were open. I advised the honourable member that I had not studied the news items or the transcript but that when in Canberra the next day I would consider them and advise the honourable member further.

*Ibid, p. 429.

"During the course of Monday, a journalist, Mr. Bob Chisholm, approached a member of my personal staff stating that he had been informed that a member of Parliament had referred certain matters arising before the Royal Commission to the Speaker. The staff member replied that a member of Parliament had referred matters and these were being considered.

"Later, the honourable member who raised the matter with me was advised by me that if it were to be pursued further it should be raised in the usual way in this House. Honourable members will be aware that no complaint has been raised in respect of the matter and I can inform the House that I am not pursuing any investigations into it. Should it be raised at some future time I will then consider the matter in accordance with the precedents of this House.

"The second question asked by the right honourable gentleman was in respect of a letter written by the Attorney-General to the Prime Minister dated 29 August last. The letter apparently conveyed an opinion by the Attorney-General in respect of the possible prosecution of the honourable member for Port Adelaide (Mr. Young) in respect of matters currently being investigated by the Royal Commission on Australia's Security and Intelligence Agencies.

"This matter is not one which comes within the responsibility of the Speaker. The question of any prosecution or other actions in matters affecting national security is entirely one for the Government. A member of this House is protected in respect of his normal privileges in the Parliament. the principal privilege being his right of freedom of speech in the Parliament, but in other respects, he is in no different position to any other citizen of Australia. As I understand the law as it presently exists, a member of Parliament may be subject to the same sort of inquiry by a security agency as is any other citizen of this country. Whilst I will strenuously defend the privileges of this Parliament, as I demonstrated recently before the Royal Commission, I can assure the House that in no way can I, nor will I, attempt to interfere in the normal processes of the law in respect of any member of this House."

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PROCEDURAL MATTERS

LOK SABHA

Conversion of a Calling Attention into a Short Duration Discussion: The Calling Attention regarding reported training to Indian terrorists in a mercenary school in Alabama, U.S.A., was listed in the Order Paper of 24 July, 1985. In view of the importance of the subject, several members submitted that a discussion might be permitted on the subject in lieu of the Calling Attention. In deference to the unanimous wishes of the House, the Speaker agreed to convert the Calling Attention into a Short Duration Discussion to be taken up the same day at 16.00 hours. Members in whose names the Calling Attention had appeared in the List of Business were called in that order before other members participated thereon. The discussion remained inconclusive on that day. The Minister replied to the debate on 29 July, 1985.

Discussion on Supreme Court judgment held inadmissible: On 25 July, 1985, immediately after the Question Hour when a member, Dr. Datta Samant sought to make submission on the notice of adjournment motion tabled by him with regard to the judgment of Supreme Court delivered on 24 July, 1985, regarding Government's power to sack its employees under certain circumstances without holding any inquiry, the consent for which had already been withheld by the Speaker, the Speaker observed that the judgment of a court, whatever might be its implications, could not be discussed on the floor of the House. He ruled that the courts were concerned with interpreting the law as passed by legislatures and that the

latter could amend laws to remove any lacuna or defect pointed therein by the court.

Adjournment of House on demise of member: On 31 July, 1985 soon after the House was informed of Shri Lalit Maken's assassination, the Speaker made obituary reference to the passing away of the member. Tributes to the deceased were also paid by Leader of the House and Leaders of other Groups in the House. Thereafter, the House was adjourned for the day without transacting any business. On 1 August, 1985, immediately after the sitting commenced, the Speaker informed the House that in order to enable members to participate in the funeral of Shri Maken that day, the House was being adjourned to re-assemble at 14.00 hours on that day. The House, therefore, re-assembled at 14.00 hours.

Member's apology in House on behalf of a member of Rajya Sabha of same party: On 9 August, 1985, soon after the Question Hour, Shri Abdul Rashid Kabuli of National Conference apologised in the House on behalf of Shri Ghulam Rasool Mattoo, member, Rajya Sabha, belonging to the same party, for slapping a former member (Chowdhary Mohammed Shafi) in the Central Hall on 8 August, 1985. The matter was thereafter treated as closed.

Criticism of State Government on the floor of the House not permissible: On 7 August, 1985, during the combined discussion on Statutory Resolution regarding Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1985 and the Bill to replace the Ordinance, a member (Shri Abdul Rashid Kabuli) while speaking against the Bill criticised the Jammu and Kashmir Government. The Deputy Speaker expunging the critical references against the State Government, observed: "... You are accusing the Government unnecessarily here. According to the rules you can speak.... You cannot accuse the State Government. State Government cannot be criticised here."

STATE LEGISLATURES

KARNATAKA LEGISLATIVE ASSEMBLY*

Suspension of rule to enable moving of demands for grants after presentation of Budget: On 21 March, 1985, the Speaker overruled the objections raised by Leader of the Opposition who had contended that the normal convention of not having any discussion immediately after presentation of Budget was violated and it was also

* Contributed by Karnataka Legislature Secretariat.

against rule 173 of the Rules of Procedure and Conduct of Business in the Legislative Assembly. He allowed the Minister for Law and Parliamentary Affairs to move for suspension of rule 173 of the Rules to enable moving of demands for grants by the Chief Minister after presentation of Budget.

Speaker uses his residuary powers on Motion of Thanks: On 1 April, 1985, the members who had given notice of Motion of Thanks to be moved and seconded were not present in the House. Another motion proposing the names of another mover and seconder of the motion was received and they were allowed to move and second the Motion of Thanks on Governor's Address in the House. The Speaker allowed this under residuary powers vested in him under the Rules of Procedure and Conduct of Business in the Legislative Assembly.

Mr. Speaker: I think, it is parliamentary.

Professor Madhu Dandavate: Black is parliamentary, beautiful is parliamentary but ugly is unparliamentary.

(L.S. Deb., 1 August, 1985)

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 APRIL TO 30 JUNE, 1985)

INDIA

DEVELOPMENTS AT THE CENTRE

Elections to Rajya Sabha: Sarvashri A. K. Antony, Thomas Kuthiravattom and N. E. Balaram were elected to Rajya Sabha on 2 April from Kerala. Shrimati Pratibha Patil and Shri Maruti Mane were elected to Rajya Sabha on 24 June from Maharashtra while Sarvashri Hari Prasad Sharma and B. L. Panwar were elected from Rajasthan on 26 June.

Shri Makhan Lal Fotedar, Political Adviser to the Prime Minister, and former Union Minister, Shri P. Shiv Shankar were elected to the Rajya Sabha in the by-elections from Uttar Pradesh and Gujarat on 2 and 9 May respectively.[1]

Elections to Lok Sabha: Shrimati Dil Kumari Bhandari of Sikkim Sangram Parishad was declared elected unopposed on 4 April in the by-election to the Lok Sabha from the Sikkim parliamentary constituency. Shri Sambhajirao Kakade of Janata Party and Shri Dhanooskodi Adithyan of Congress (I) were declared elected on 25 April to the Lok Sabha in by-elections from Baramati in Maharashtra and Tiruchendur in Tamil Nadu parliamentary constituencies respectively.

[1] *Times of India*, 3 April, 1985; *National Herald*, 25 June, 1985; *Hindustan Times*, 10 May and 27 June, 1985; and *Indian Express*, 3 May, 1985.

Shri P. Namgyal of Congress (I) was declared elected to the Lok Sabha on 2 May from Ladakh parliamentary constituency in Jammu and Kashmir. Shri Sukh Ram of the same party was declared elected to Lok Sabha on 28 May from the Mandi parliamentary constituency in Himachal Pradesh.[2]

New Chief Justice: Justice Prafullachandra Natwarlal Bhagwati was appointed Chief Justice of the Supreme Court on 10 May, in succession to Justice Y. V. Chandrachud. Justice Bhagwati was sworn in on 12 July by the President, Giani Zail Singh, following the retirement of Justice Chandrachud.[3]

Resignation by member: Shri Syed Sibte Razi resigned his seat in Rajya Sabha on 14 May following his election to the Uttar Pradesh Legislative Council.[4]

AROUND THE STATES

BIHAR

New Speaker: Shri Sheo Chandra Jha was unanimously elected Speaker of the Bihar Legislative Assembly on 4 April.[5]

HARYANA

MLA's election upheld: On 13 May, the Supreme Court upheld the election of Shri Lila Kishan to the Legislative Assembly. It vacated the judgement of the Punjab and Haryana High Court by which his election had been set aside on the ground that the nomination papers of two candidates had been improperly rejected by the returning officer.[6]

Expansion of Ministry: Three more Ministers of State were inducted into the Council of Ministers on 8 June. They were Shri Jaswant Singh Chauhan—*Dairy Development*; Shri Om Prakash Mahajan—*Local Self-Government* and Shri Shakrullah Khan—*Fisheries and Wakf*. Shri Piara Singh who was Minister of State for Local Self-Government, was given independent charge of the Department of Co-operation which was with the Chief Minister.[7]

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2. *Tribune*, 5 April, 1985; *Hindustan Times*, 26 April 1985; and *Indian Express*, 3 and 29 May, 1985.
3. *Hindustan Times*, 11 May and 13 July, 1985.
4. *Ibid.* 15 May, 1985.
5. *Indian Express*, 5 April, 1985.
6. *Statesman*, 14 May, 1985.
7. *Indian Express*, 9 June, 1985.

KARNATAKA

New Chairman and Deputy Chairman: Shri Rambhau B. Potdar was elected Chairman of the Legislative Council on 8 April. Shri S. Mallikarjuniah was elected Deputy Chairman on 10 April.[8]

Resignation by Minister: Health Minister, Shri K. P. Ramachandran Nair submitted his resignation from the Council of Ministers on 27 May.[9]

KERALA

Resignation by Minister: Electricity Minister, Shri R. Balakrishna Pillai resigned from the Council of Ministers on 5 June, pending disposal of a petition against him admitted in the Kerala High Court on his alleged seditious speech[10]

MAHARASHTRA

New Governor: Sikkim Governor, Shri Kona Prabhakar Rao was appointed Governor on 29 May, succeeding Shri I. H. Latif. He was sworn in on 30 May by the acting Chief Justice of the Bombay High Court, Shri H. G. M. B. Kalia.[11]

New Ministry: Shri Shivajirao Patil Nilangekar was sworn in as Chief Minister on 3 June by Governor Shri Kona Prabhakara Rao following the resignation of Shri Vasantrao Patil on 1 June. A 25-member two-tier Council of Ministers was sworn in on 4 June. The allocation of portfolios among the Ministers was as follows:

Cabinet Ministers:

Shri Shivajirao Patil Nilangekar (Chief Minister): *General Administration, Home, Jails, Urban Development, Urban Land Ceiling, Information and Public Relations, Law and Judiciary, State Development and other Departments not assigned to any other Minister;* Shri Jawaharlal Darda: *Energy, Tourism, Cultural Affairs, Prohibition and Excise;*

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8. *Free Press Journal*, 9 April, 1985; and *Times of India*, 11 April, 1985.

9. *Hindu*, 28 May, 1985.

10. *Free Press Journal*. 6 June, 1985.

11. *Statesman*, 30 may, 1985; and *Hindustan Times*, 31 May, 1985.

Shri Shivajirao Deshmukh: *Irrigation, Food and Civil Supplies;* Shri Ram Meghe: *Education, Technical Education and Employment;* Shri Vijaysingh Mohite Patil: *Agriculture, Commana Areas Development Authority, Rehabilitation, Sports and Youth Welfare;* Shri Sudhakar Naik: *Industries, Revenue and Social Welfare;* Shri Surup Sing Naik: *Public Works, Forests, Social Forestry and Tribal Welfare;* Shri Balchandra Anant Sawant: *Public Health, Medical Education and Drugs, Family Planning, Employment Guarantee Scheme, Ports, Fisheries, Khar Lands, Special Assistance and Rural Development;* Shri Sushil Kumar Shinde: *Finance, Planning and Environment;* Dr. V. Subramaniam: *Housing, Slum Improvement, House Repairs and Reconstruction;* Shri Anantrao Thopte: *Transport, Dairy Development and Animal Husbandry;* Shri N. M. Tidke: *Co-operation, Labour and Legislative Affairs,*

Minister of State:

Shri Abhaysingh Raje Bhosale: *General Administration and Public Works;* Shrimati Celine D'Silva: *Finance, Planning and Tourism;* Shrimati Damayanti Deshbharatar: *Forestry, Social Forestry, Social Welfare and Legislative Affairs;* Shri Wamanrao Gadammwar: *Rural Development, Special Assistance and Transport;* Shri Javed Khan: *Education, Wakf and Protocol;* Shri Gangadhar Kanturkar: *Rehabilitation, Irrigation and Command Areas Development;* Shri J. T Mahajan: *Home; Jails, Industry and Legislative Affairs;* Shri Manikrao Pallodkar: *Co-operation and Revenue;* Shri Nakul Patil: *Food and Civil Supplies,*

Horticulture and Youth Welfare, Sports and Labour; Shri Ramachandrarao Patil: *Law and Judiciary, Technical Education, Employment, Energy, Prohibition and Excise;* Shri Madhukarrao Pichad: *Agriculture, Employment Guarantee Scheme, Tribal Welfare, Dairy Development and Animal Husbandry;* Shrimati Rajani Satav: *Public Health, Medical Education and Drugs, Family Welfare and Cultural Affairs;* Shri Rammanohar Tripatbi: *.Urban Development, Information, Public Relations, Environment, Slum, Improvement, Housing, House Repairs and Reconstruction.*[12]

Election to Legislative Council: The Chief Minister, Shri Shivajirao Patil Nilangekar was elected unopposed to the Legislative Council on 24 June.[13]

NAGALAND

Expansion of Ministry: Shri N. Yeangphong Konyak was sworn in as Minister of State on 2 April.[14]

ORISSA

Resignation by Minister: Revenue Minister, Shri Niranjan Patnaik tendered his resignation from the Council of Ministers on 29 April after strictures were passed against him by the High Court for bribing a mining official.[15]

Expansion of Ministry: Two more Ministers were inducted into the Council of Ministers on 30 May. They were Shri Jadunath Das Mohapatra—*Education and Youth Services* and Shri Sarat Rout, Minister of State for *Planning, Co-ordination, Information and Public Relations.*[16]

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[12] *Hindustan Times*, 2 June, 1985; *Indian Express*, 4 June, 1985; *Hindu* 5 June, 1985 and *Free Press Journal*, 7 June, 1985.

[13]. *National Herald*, 25 June, 1985.

[14]. *Indian Express*, 3 April, 1985.

[15]. *Hindu*, 30 April, 1985.

[16]. *Times of India*, 31 May, 1985.

SIKKIM

New Governor: Shri Bhishma Narain Singh was sworn in as Governor on 31 May.[17]

UTTAR PRADESH

Expansion of Ministry: Shri Jai Ram Verma was sworn in as Minister on 24 April. He was allotted the portfolio of Planning which was held by the Chief Minister.[18]

UNION TERRITORIES

GOA, DAMAN AND DIU

Expansion of Cabinet: Sarvashri Harish Zantye and M. G. Desai and Dr. L. P. Barbosa were inducted into the Cabinet on 17 April.[19]

DEVELOPMENTS ABROAD

ALBANIA

New party leader: President Mr. Ramiz Alia was chosen leader of the ruling Labour (Communist) party on 13 April in succession to Mr. Enver Hoxha who passed away on 11 April.[20]

BRAZIL

New President: President-elect. Mr. Tancredo Neves passed away on 21 April. The Vice-President, Mr. Jose Sarney succeeded him as President.[21]

COSTA RICA

Declaration of emergency: A state of emergency was declared on 29 May along the border with Nicaragua.[22]

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17. *Hindustan Times*, 1 June, 1985.
18. *Times of India*, 25 April, 1985.
19. *Indian Express*, 18 April, 1985.
20. *Times of India*, 12 April, 1985; and *National Herald*, 14 April, 1985.
21. *Times of India*, 23 April, 1985.
22. *Hindu*, 30 May, 1985.

Czechoslovakia

Election of President: Mr. Gustav Husak was unanimously re-elected President for a five-year term on 22 May by the Federal Assembly.[25]

Greece

Dissolution of Parliament: The Parliament was dissolved on 7 May, Ping the way for edection.[24]

General elections: On 2 June, Premier Andreas Papandreou's Socialist Party won a clear-cut victory in the national election by capturing 46.35 per cent votes as against 40.7 per cent secured by the conservative New Decoracy Party, 9.7 per cent by Communist Party and 1.6 per cent by Euro-Communist Party.[26]

New Cabinet: An 18-member Cabinet headed by Socialist leader, Mr. Andreas Papandreou was sworn in on 5 June.[26]

Italy

Election of President: Christian Democrat, Mr. Francesco Cossiga was elected President on 24 June for a seven-year term by Parliament by obtaining the necessary two-thirds majority of votes.[27]

Resignation by President: On 29 June, the outgoing President, Mr. Sandro Pertini resigned ten days before his mandate was due to expire.[28]

Mali

Election of President: General Moussa Traore was re-elected President on 9 June for another six years by winning 99.5 per cent of the total votes cast.[29]

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23. *Ibid*, 24 May, 1985.
24. *Ibid*, 9 May, 1985.
25. *Times of India*, 4 June, 1985.
26. *Ibid*, 7 June, 1985.
27. *Indian Express*, 25 June, 1985.
28. *Hindustan Times*, 30 June, 1985.
29. *Ibid*, 12 June, 1985.

PAKISTAN

New Council of Ministers: 13 Cabinet Ministers and seven Ministers of State were sworn in by the President Mr. Zia-ul-Haq on 10 April.[30]

Expansion of Cabinet: The Cabinet was expanded on 21 May, with the induction of six more Ministers and one Minister of State. Mr. Aslam Khan Katak was made new Home Minister.[31]

PERU

Election of President: The leader of the Populist Party, Mr. Alan Garcia was declared elected as President on 1 June.[32]

PORTUGAL

Resignation by Government: The Prime Minister, Mr. Mario Soares submitted his resignation on 25 June to the President, Mr. Antonio Ramalho Eanes following the withdrawal of support earlier by the Social Democratic Party.[33]

SUDAN

Removal of President: Army Chief, General Abdel Rahman Sawarel Daheb took control of the country on 6 April after ousting the President, Mr. Jaafar Nimeiri and all his aides and Ministers. He declared a state of emergency throughout the country. A 15-member Military Council, headed by Gen. Daheb was appointed on 8 April to govern the country.[34]

SYRIA

New Ministry: On 3 April, Prime Minister Mr. Abdel Rauf Kassem tendered resignation of his Government. President Hafez Assad asked him to form a new Government. Prime Minister, Mr. Abdel Rauf Kassem and members of his new Cabinet were sworn in by the President on 10 April.[35]

30. *Times of India*, 11 April, 1985.

31. *ibid*, 22 May, 1985.

32. *Free Press Journal*, 3 June, 1985.

33. *Hindu*, 15 June 1985; and *Times of India*, 26 June, 1985.

34. *Indian Express*, 7 April, 1985; and *Times of India*, 11 April 1985.

35. *Statesman*, 4 April, 1985; and *Tribune*, 12 April, 1985.

SESSIONAL REVIEW

EIGHTH LOK SABHA

SECOND SESSION

Eighth Lok Sabha which commenced the Second Session (Budget Session) on 13 March, 1985 was adjourned *sine* die on 20 May 1985. A brief resume of some of the discussions held during the period from 13 March to 15 April 1985 of this session has been published in the June 1985 issue of the *Journal*. A brief resume of the discussions held and other business transacted during the remaining period of the Session is given below:

A. DISCUSSIONS

Ahmedabad Communal Riots: Making a statement on 18 April, 1985, the Minister of Home Affairs, Shri S. B. Chavan informed the House that the agitation started by students in Gujarat, since the middle of February 1985, against the increase in reservation of seats for other backward classes in the medical and technical courses, took a communal turn by 18 March, 1985 in the walled city of Ahmedabad, which necessitated the imposition of curfew as well as deployment of the army. Though the situation subsequently had returned to normalcy, reports, however, had been received indicating that once again communal riots had broken out in some parts of Ahmedabad city from the night of 15/16 April 1985. Police took immediate action and had also to resort to firing to control the situation. Curfew was imposed for an indefinite period on the night of 15 April 1985 in the affected areas and subsequently extended to other parts of

the walled city which witnessed communal incidents. The riots, Shri Chavan said, had resulted in the death of 11 persons and caused injury to 23. Damage to property was also being assessed by a team of officers from the Revenue and Sales Tax Departments and the Municipal Corporation.

The Minister stated that the situation was reviewed on 16 April 1985, and in view of the prevailing tension, army was called in to assist the civil authority. The situation, he added, continued to 'remain tense though 'under control'.

In another statement made on 23 April 1985, Shri Chavan told the House that despite steps taken by the State Government, the situation took a serious turn on 22 April 1985, when a head constable escorting the investigating team to Raipur and Khadia areas in pursuance of directions of the High Court to the State Government, was injured in an attack by the crowd following the team. The death of head constable later compounded by adverse reporting in the Press on an earlier decision of the Judicial Magistrates' Court restraining certain police officers from entering Raipur and Khadia area had deeply hurt the feelings of the police force which was already demoralized. When the funeral procession of the deceased head constable moved on, the policemen got restive and unfortunately, some of them indulged in acts of arson, causing damage to private properties, including vehicles on the road. The premises of the Gujarat Samachar Press and the Indian Express—the Jansatta Press were set on fire. Further more, most of the city unarmed police deserted their duties and even the mobile police wireless communication system was disrupted. The behaviour of policemen, Shri Chavan said, 'was unbecoming of a uniformed force'. The conciliatory efforts taken by the Government brought the policemen on duty on 22 April. The army was very promptly called in to assist the civil authority in all the areas, badly affected by violence.

Concluding, Shri Chavan said that whole-hearted and very positive efforts must be made by all to get rid of violence and to restore law and order. He appealed to all sections of the House and also to the Press to cooperate in the task and help restore normalcy in Ahmedabad and other parts of Gujarat.

The situation in Ahmedabad again came up for a discussion on 24 April 1985, on a motion for consideration of the statement made on the subject in the House on 23 April. The Minister of Home Affairs, Shri S. B. Chavan initiated the discussion. Speaking during discussion, Shri V. Tulsiram alleged that the Government of Gujarat

had completely failed in maintaining law and order in the State. Professor Madhu Dandavate, condemned the police atrocities and the attack on the Press and urged the Centre to intervene 'effectively and immediately' to bring about peace there.

Replying to the discussion, in which 12 other members* participated, the Minister of Home Affairs reaffirmed that the Government was fully committed to the present reservation policy for Scheduled Castes and Scheduled Tribes. In regard to other Backward Classes, 'a national consensus' had to be developed, he added.

With regard to the situation in Gujarat, Shri Chavan observed that so long as Gujarat Government was competent to take proper decisions, the Centre would not like to have any awkward precedent being created, by 'interfering in the normal functioning' of the State Government.

Rejecting a demand for dismissal of the State Government, Shri Chavan pointed out that no one would wish that the Central Government should intervene in Andhra Pradesh or in Tripura and to see that duly elected Governments there were sacked and the Centre could not afford to have 'double standards' in the matter.

As far as the freedom of the Press was concerned, Shri Chavan maintained that maximum freedom was enjoyed by the Press in the country and there was no intention to curb their freedom.

Briefing held in U.S. Congress Annexe on the so-called human rights issue in the Punjab: Initiating the discussion on 18 April, 1985, Shri Saifuddin Chowdhury said that the briefing held in the US Congress Annexe under the auspices of the Congressional Human Rights Caucus on the so-called human rights issue in Punjab was a flagrant interference in India's internal affairs and a direct threat to India's security and integrity. It should be condemned by all. Participating in the discussion, Shri P. Kolandaivelu also advocated condemnation of U.S.A. for its attitude in the affair.

Replying to the brief discussion in which 9 other members** participated, the Minister of State in the Ministry of External Affairs,

* Other members who participated in the discussion were : Sarvashri K.K. Tewari, Narsinh Makwana, Saiuddin Chowdhury, Priya Ranjan Das Munshi Beerendra Jain, K. Gadhavi, R. Annamalai, Zainul Basher, V. Kishore Chandra, S. Ceo, G. G. Swell, A. K. Patel Amar Roypradhan and Shrimati Geeta Mukherjee.

** Other members who took partin the discussion were: Sarvashri K. K. Tewari, E. Ayyapu Reddy, K. P. Unnikrishnan, G. G. Swell, Narvan Chouby, Zainul Bashar, V.S. Krishna Iyer, Piyush Tirkey and Amar Roypradhan.

Shri Khurshid Alam Khan regretted that USA or any other country which might gain India's friendship and wanted to improve bilateral relations had allowed such incidents to happen in their countries. India, he added, wanted to have friendly and cordial relations with all the countries. Certain countries like the United Kingdom, Canada and America, Shri Khan added had shown 'over-indulgence' to the terrorists. India's friendship would not be forthcoming to any such country which was going to help those people. USA had been told in very strong terms that India would not tolerate such things and such briefings held in their country. If any relation had to be developed, it had to be developed by mutual trust and understanding which were beneficial to both.

Exhorting the Sikh brethren, Shri Khan affirmed that they could find solution of their so-called problems in India and not in Canada, USA or U.K.

Situation in Sri Lanka: Making a statement on 25 April 1985, the Prime Minister, Shri Rajiv Gandhi informed the House that an All-Party Delegation from Tamil Nadu led by the Chief Minister, Shri M. G. Ramachandran, met him on 23 April 1985 and submitted a memorandum regarding the latest developments in Sri Lanka. It was pointed out that the influx of refugees was continuing and the situation was causing grave concern. The delegation requested the Government of India to take up the matter with the Sri Lankan Government for restoration of peace and normalcy so that the refugees in Tamil Nadu could return home and traditional economic activities resumed on both sides.

The Prime Minister informed the House that he had assured the delegation of the Government of India's concern on the developments in Sri Lanka and that contacts with the Sri Lankan Government, through normal diplomatic channels and through special visits have been maintained. In view of the prevailing situation, Shri Rajiv Gandhi said that he would convey to President Jayewardene, India's distress and anxiety stressing the need for a speedy political solution of the problem acceptable to all parties concerned. In view of the gravity of the situation, he added, he was setting up a Special Advisory Group to continue efforts for resolving the problem.

On 29 April 1985, making another statement on the subject, the Minister of State in the Ministry of External Affairs, Shri Khurshid Alam Khan informed the House that the situation in Sri Lanka continued to be tense as there had been disturbing reports of large-scale violence in the eastern province involving Muslims and Tamils.

The exodus of refugees from Sri Lanka since 1983, Shri Khan stated, had imposed a heavy social and economic strain on India and the number of refugees had gone up to almost a lakh. The Special Advisory Group set up recently, would expeditiously examine and advise the government on the serious question of the large-scale influx of refugees into India and also the problems of insecurity faced by Indian fishermen in the Palk Strait.

While reaffirming India's stand that a negotiated settlement acceptable to all concerned and within the framework of Sri Lanka's sovereignty, integrity and unity could provide the answer to the serious ethnic problem that had engulfed the country, Shri Khan made it clear that India did not believe in separatism. He expressed the hope that all efforts would be made by Sri Lanka to defuse the situation and would show the 'necessary political will' and 'vision' in this direction.

Shri Khan reiterated that India had been in constant touch with the Sri Lankan Government through diplomatic channels and also through visits by special envoys, with a view to assisting them to finding a political solution. India, he added, was given to understand that President Jayewardene contemplated taking positive measures for a political solution of the problem.

The statement of the Minister was the subject-matter of discussion in the House on the same day. Initiating the discussion, Shri P. Selvendran said that the Tamilians in Sri Lanka were being subjected to unprecedented cruelty and asked the Government to extend the hand of protection to Sri Lanka Tamils. Participating in the discussion, Shri P. Kolandaivelu pointed out that Tamil Nadu was not represented in the advisory group formed by the Government of India recently. Shri Indrajit Gupta asserted that Sri Lanka must be condemned as being guilty of genocide and the Government should seek the intervention of United Nations in the matter.

Replying to the discussion in which 15 other members* participated, Shri Khan contended that India wanted an urgent solution of the problem in totality and not in isolation. The Prime Minister was doing all that was possible to arrive at an understanding with the Sri Lankan Government in this direction. The Human

* Other members who took part in the discussion were : Sarvashri P.R. Kumaramangalam, N. Venkataratnam, P. Chidambaram, S. Jaipal Reddy, P. Vallal Peruman, Suresh Kurup, G.S. Rajhans, Braja Mohan Mohanty, Chintamani Panigrahi, A. Kalasidhi, V. Sobhanadreeswara Rao, Ram Ratan Ram, Shri Hari Rao, N. Sundararaj and Shrimati Vijayanthimala Bali.

Rights Commission was seized of the problem and India would continue to raise the problem in that forum.

Denying the allegation of encouraging terrorism or providing facilities for training to terrorists in the country, Shri Khan observed that some hidden hand was trying to divide the Muslims and Tamils in Sri Lanka. He hoped that better sense would prevail among the Muslims in Sri Lanka.

Shri Khan reiterated that India believed in the unity and territorial integrity of Sri Lanka, where the Tamilians would have to be given a respectable position guaranteeing all the privileges and rights as enjoyed by the Sinhalese. But it was entirely for the Tamils of Sri Lanka to decide what course of action they would adopt. At the same time, India, on her part, would continue to offer her good offices for bringing out a political solution. Some of the suggestions made by India to the Sri Lanka government included withdrawal of troops from disturbed areas and restoration of a civil administration; keeping in abeyance the policy of settlement of 30,000 Sinhalese families in the predominant Tamil areas; withdrawal of the Sixth amendment to the Constitution; and removal of restrictions from the restricted and prohibited surveillance zone.

Making yet another statement on 10 May 1985, Shri Khurshid Alam Khan informed the House about the arrest of Shri K. Anand, Correspondent of the Press Trust of India in Colombo by the Sri Lankan authorities under the Emergency Regulations of the Government of Sri Lanka and his subsequent release on bail. The Government had taken up this matter with the Sri Lankan Government expressing its deep concern over the arrest of the correspondent as well for his personal safety. The Government had conveyed to Sri Lankan Government, her distress over the anti-Indian sentiments whipped up in Sri Lanka through observations by senior and responsible members of the Sri Lankan Government. He reiterated that India had always made constructive and positive suggestions to facilitate a political solution to the ethnic problem in Sri Lanka.

Inquiry into allegations of organised violence in Delhi: Making a statement on 26 April 1985, the Minister of Law and Justice, Shri Asoke Kumar Sen recalled the statement of the Home Minister announcing the decision of the Government to hold a judicial inquiry by a sitting Judge of Supreme Court into allegations regarding incidents of organised violence in Delhi, following the assassination of the late Prime Minister, Smt. Indira Gandhi. The Com-

mission of Inquiry, Shri Sen said, would be presided over by Shri Justice Ranganath Misra. The Commission would recommend measures which might be adopted for preventing the recurrence of such incidents and would submit its report within six months.

In another statement made on 29 April 1985, the Minister of State in the Ministry of Home Affairs, Shrimati Ram Dulari Sinha told the House that it was proposed to withdraw Rs. 12 lakhs from the Contingency Fund of India and place it at the disposal of the Commission for meeting the day-to-day expenses of the Inquiry Commission upto the end of August 1985. The necessary expenses of the Commission, she added, would be included in the first supplementary estimates to be presented to Parliament in its next Session.

Recent rise in prices of essential commodities: Making a statement on 29 April 1985, in response to Calling Attention by Shri Zainul Basher, the Minister of Food and Civil Supplies, Shri Rao Birendra Singh observed that there was some improvement in the overall price situation in 1984-85. The annual rate of inflation declined to 5.8 per cent in March, 1985 from 9.25 per cent in the same month, a year earlier. But, after the presentation of the General Budget, 1985-86, the wholesale price index for four weeks ending 13 April 1985, had moved up by 2.3 per cent. A large portion of this increase, he pointed out, had been due to Budget levies on or increase in administered prices of some commodities. The Government had advised the State Governments to take strict action against erring traders indulging in profiteering, hoarding and blackmarketing.

Detailing the steps being taken to check inflation, Shri Rao Birendra Singh said that both the Central and State Governments were monitoring the prices of essential commodities. The main thrust of the Government policy was to increase the production of essential commodities particularly those in short supply. The Public Distribution System was also being expanded and its management was being improved to make essential commodities available at reasonable prices to the people, especially the weaker and vulnerable sections of the society.

Series of bomb explosions in Delhi and other parts of Northern India: Raising a discussion on 13 May 1985, Shri Suresh Kurup alleged that such type of attacks had occurred whenever there was a move to find a political solution of the Punjab problem. He urged the Government not to retreat from its conciliatory move to find a

political solution of the Punjab problem and also asked the Akalis to condemn the dastardly act of the extremists.

Participating in the discussion, Shri C. Madhav Reddy wanted the Government to take strong action against the terrorists and at the same time solve the Punjab problem by negotiations. Professor Madhu Dandavate asked the Government to bring the guilty to book and unmask the forces striving to promote Hindu-Sikh riots both in the Punjab and the rest of India. He urged the Government to take steps to revamp the intelligence set-up to face the new challenge. Shri P. Kolandaivelu pleaded for strong action against terrorism.

Intervening in the discussion, Prime Minister Shri Rajiv Gandhi at the outset offered his condolences to the people who had suffered at the hands of extremists and the terrorists. He commended the Delhi Administration for dissemination of information about the explosive materials with speed which helped in recovering and defusing them. He observed further that the Akali leaders as well as a large number of Sikhs had for the first time openly condemned the incidents. In his opinion. the question of involvement of foreign hands in the terrorist activities was a much wides problem and had to be seen in all its aspects. As for speedy apprehension of the terrorists, the Prime Minister observed that there were certain constraints and limitations in the existing laws and the Government was looking into them and would soon introduce legislation to deal effectively with terrorism.

Referring to the Punjab problem, Shri Gandhi affirmed that the Government had been trying to get to the root of it. The Government would adjust and accommodate as far as the 'political aspect' of the problem, but would firmy deal with the forces of violence or terrorism. Any threat to national unity and integrity would be adequately met. The Prime Minister added that arms had been smuggled into the Golden Temple complex in trucks carrying food belonging to the S.G.P.C. for which specific clearance had been given by the Government.

Shri Gandhi said that there was no room for complacency in facing terrorism in the country. It should also be recognized that wherever terrorism grew, those countries had not been able to eliminate it in a short time. He added that terrorism grew where there was weakness and stressed on the need to build up administrative machinery; mobilise public opinion to fight terrorism. The integrity and unity of India, he said, was supreme and terrorism

should be fought with all the strength at the command of the Central Government.

Replying to the discussion, lasting for nearly 5 hours, in which 19 other members* participated, the Minister of Home Affairs, Shri S. B. Chavan reaffirmed that Government was interested in finding a political solution to the Punjab problem at the earliest. He appealed to all sections of the House, all political parties and the Akali Dal and their friends to help the authorities in creating normalcy in the entire area and not to do anything to escalate violence. He assured the House that terrorist activities would be put down with a heavy hand and there would be no compromise on that issue.

Urgent need for judicial reforms: Raising a discussion on 14 May 1985, Professor Madhu Dandavate observed that the concept of 'committed judiciary' should be given up, all aberrations in the procedure for the appointment and transfer of Judges should be eliminated and four national tribunals to clear the backlog of cases in Supreme Court should be created. He also suggested that the constitutional provisions for the Comptroller and Auditor General of India and members of the Public Service Commission should be made applicable to the members of the Bar, Supreme Court and Hight Court and placing of Ministry of Justice under the Ministry of Law instead of Ministry of Home as at present.

Replying to the discussion on 15 May 1985, in which 14 other members** participated, the Minister of Law and Justice, Shri Asoke Kumar Sen at the outset said that the judicial standard in the country, by and large, excepting possibly a few cases, was of a very high order and the Judges of our Courts and the judicial system were considered to be model even by the countries where a free judiciary was allowed to function, and their judgements were quoted in *extenso*.

Shri Sen contended that the judicial structure in India with Supreme Court at the apex, followed by the High Courts and the

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* Other members who participated in the discussion were : Sarvashri Bhagwat Jha Azad, Zainul Basher, N.G. Ranga, K.K. Tewari Chiranji Lal Sharma, Brahma Dutt, Lalit Maken, Digvijay Singh, G.G. Swell, P. Namgyal, Naryan Choubey; K.D. Sultanpuri, Abdul Rashid Ka buli, Piyus Tirkey, S.M. Bhattam, Balkavi Bairagi, Shrimati Rajendra Kumari Bajpai, Shrimati Dil Kumari Bhandari and Shrimati Vidyawati Chaturvedi.

** Other members who took part in the discussion were : Sarvashri Eduardo Faleiro, Shyam Lal Yadav, B. Ayyapu Reddy, P.R. Kumaramangalam, Sharad Dighe, Amal Datta, G.S. Rajhans, Braja Mohan Mohanty, Vijay Kumar Yadav, Mool Chand Daga, Digvijay Singh, Haroobhai Mehta, Saif-ud-Din Soz and Harish Rawat.

subordinate courts, was basically sound and it could not be improved upon. What was needed was to fill up the flesh and blood in their structure. The Government's endeavour, he assured the House, would be to find out ways and means not merely to improve the quantity but also the quality of Judges so that the best talents from the Bar and the academic life were drawn to the judiciary. The Government was also concentrating on increasing the strength of Judges in the Supreme Court from the present 18 to about 30, so that there would be no backlog of cases.

Shri Sen informed the House that the Government would call a conference of Chief Ministers and the Law Ministers to consider various issues concerning the status of Judges, such as salary, emoluments, leave, the dignity of Judges and their prestige.

Referring to the commitment of the Judges, Shri Sen maintained that the only commitment of the Judges was the commitment to the Constitution and the Directive Principles enshrined therein for bringing about an egalitarian society, giving justice to the commonest of the common and making justice expeditious. About transfers, Shri Sen said that each transfer had been made with the consent of the Chief Justice.

Plot to assassinate the Prime Minister during his impending U. S. visit: On 15 May 1985, Shri G. G. Swell moved the following motion:

> "That this House takes note of and views with great concern the report of the uncovering of a plot by the American Federal Bureau of Investigation to assassinate the Prime Minister during his impending visit to the United States".

Initiating the discussion, Shri Swell suggested that the appreciation of the House should be conveyed to the Government of United States for unearthing the plot. The Indian Prime Minister, he pointed out, was more than the head of Government in the country and was the symbol of the will and aspirations of an overwhelming majority of people. As India and America stood for democracy, the people and Governments of both countries should join hands together to combat and destroy the dark face of terrorism.

Participating in the discussion, Shri C. Madhav Reddy said that the Government should not only be vigilant but should also take all the precautions before the Prime Minister went on foreign tours.

Intervening in the brief discussion, in which 11 other members* took part, the Minister of State in the Ministry of Communications, Shri Ram Niwas Mirdha assured the House that Government would make much greater effort than usual to ensure 'perfect security' to the Prime Minister, Shri Rajiv Gandhi, at home and during his visit abroad. Sharing the concern expressed by members, he assured the House that Government was fully aware of its responsibility and would discharge it in the best possible way it could.

The Government, Shri Mirdha added, had greatly appreciated the prompt action taken by the US administration in unearthing the plot and noted with satisfaction that legal process had been initiated and hoped that prompt action would be taken against persons who were involved. In the past, he pointed out, the Government of India had on occasions brought to the notice of the Governments of Canada, U.K., Pakistan, Federal Republic of Germany and even the U.S.A. about the activities of certain persons and how the media and Governments were projecting and protecting those who gave expression to extremists' views. Those Governments, Shri Mirdha regretted, had not taken serious note of Indian Government's position and no action was taken even under the laws of those countries. He expressed the hope that other Governments would take action as had been done by FBI so that India could feel reassured that those Governments were serious and had taken note of India's sentiments in this respect.

After Shri G. G. Swell had replied to the debate, the motion was adopted.

B. Legislative Business

Finance Bill, 1985†: On 8 May 1985, moving that the Bill be taken into consideration, the Minister of Finance and Commerce, Shri Vishwanath Pratap Singh announced concessions in the tax proposals amounting to Rs. 16.92 crores in excise and customs, mainly

* Other members who took part in the discussion were : Sarvashri Priya Ranjan Das Munshi, Saifuddin Chowdhary, K.K. Tiwari, S. Jaipal Reddy, P.J. Kurien, Vijay Kumar Yadav, Jainul Basher, Saif-ud-Din Soz, Harish Rawat, Piyush Tirkey and Aja Mushrai.

†The Bill was introduced by the Minister of Finance, Shri Vishwanath Pratap Singh on 16 March, 1985.

to provide relief to the small units manufacturing goods under item 68 and also in respect of agricultural implements, specified poultry equipment and for medium power tractors to benefit the farmers. In order to provide additional resources for the growth of public sector undertakings, he proposed to introduce a new scheme for floatation of bonds carrying an attractive rate of interest and exemption of wealth tax by selected public sector undertakings in high priority areas, particularly telecommunications and power. The Government, he added, would also announce a long-term fiscal policy later in the year.

The discussion on the Bill was held on 8, 9 and 10 May 1985. Participating in the discussion, Shri C. Madhav Reddy welcomed the proposal of floating bonds to help the public sector and asked the Government to check the revenue expenditure which was mounting every day.

Speaking on the resumed discussion on 9 May 1985, Professor Madhu Dandavate called for the appointment of an Expenditure Commission to reveal the sources of black money and also to find out the extent and degree of wasteful expenditure. He also demanded substantial allocation to poverty alleviation programmes such as IRDP, NREP and RLEGP. Shri Indrajit Gupta wanted the Government to take specific measures to combat price rise and raise resources by taxing rich farmers. Dr. Datta Samant asked the Government to allay apprehensions caused by the alleged move to administer centrally the Bombay city and give instructions to Maharashtra Government to use a part of the revenue from Bombay for the poor and the down trodden living in Greater Bombay.

Winding up the discussion on 10 May 1985, in which 37 members* participated, Shri Vishwanath Pratap Singh contended that no departure by the present Government from the path of socialism has been made. The Government had always been against the concentration of wealth in the private sector. The public sector had achieved commanding heights and would continue to play a dominant role

* Other members who participated in the discussion were : Sarvashri Dinesh Singh, Ram Singh Yadav, V.S. Vijayaraghavan, Amal Datta, Mohanbhai Patel, Raj Kumar Rai, G.I. Dogar, P. Selvendran, Girdhari Lal Vyas, Yogeshwar Prasad Yogesh, Narain Chand Parashar, P. Vallalperuman, Ram Pujan Patel, Uma Kant Mishra, Virdhi Chander Jain, Satyendra Narian Sinha, Dal Chan Jain, Ramabaen Ramjibhai Mavani Patel, Aziz Qureshi, G.S.R. Jhans, K.N. Pradhan, Zainul Basher, P.J. Kurien, M. Mahalingam, K.S. Rao, Anand Singh, Brahma Dutt, Abdul Rashi Kabuli, P. Namgyal, Swami Prabhad Singh, Crihanji Lal Sharma, V.S. Krishna Iyer, Shanti Kumar Dhariwal, Bharat Singh, K.D. Sultanpuri, Ram Pyare Panika and Ram Nagina Mishra.

in the economy. It had employed more than 16 million people and had made positive contribution to increase the resources of the country. The budget and the economic policies, he added, would attempt to remove the supply as well as the demand constraints for better performance of public sector undertakings.

With reference to the suggestion of scaling down non-plan expenditure, Shri Singh pointed out that there was hardly any scope for it, because 64 per cent of the non-plan expenditure was meant for Defence, interest on borrowings and subsidies for fertilizers, food, etc.

Referring to rise in prices, Shri Singh assured the House that Government would take strong measures to control it. The Government would impose a ban on overdrafts by the States to save the financial situation.

The motion for consideration was adopted and the Bill, as amended, was passed.

*High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1985**: On 14 May 1985, moving that the Bill be taken into consideration, the Minister of Law and Justice, Shri Asoke Kumar Sen said that as the conveyance allowance of Rs. 300 legislated some time back was hardly adequate, Government through the proposed measure was raising it to Rs. 500 per month.

On 15 May 1985, replying to the discussion in which 12 members** participated, the Minister of State in the Ministry of Law, Shri H. R. Bhardwaj said that the amendment had been brought in, pursuant to a resolution passed in the Conference of Chief Justices. Government had increased the water and electricity charges and were also seized of the matter regarding travelling facilities to the Judges. In addition to salaries provided under the Constitution, the Government had allowed dearness allowance to all the Judges to the tune of Rs. 2,250 pm since 1984 and would also soon come forward with another Bill to amend their service conditions.

* The Bill was introduced on 9 April 1985 by the Minister of Law and Justice, Shri Asoke Kumar Sen.

** Members who participated in the discussion were : Sarvashri E. Ayyappu Reddy, N.G. Ranga, Amal Datta P. Chindambram, A.C. Shanmugam, Somnath Rath, V.S. Krishna Iyer, P. J. Kurien, Vijay Kumar Yadav, Shantaram Naik, K.R. Narayan and Chandra Shekhar Tripathi.

On the question of arrears, delays and expenses involved in Court procedures, etc., Shri Bhardwaj informed the House that the Government were going to set up a Judicial Reforms Commission with a time-bound programme, to find ways and means for the implementation of judicial and legal reforms in a speedy manner. Referring to the serious problem of backlog, the Minister said that the Government would ask the Supreme Court and the High Court, to select and classify categories of classes and to constitute benches to decide those categories. The Government had already increased the strength of each High Court and was also prepared to increase their number, if needed.

The Bill was passed.

Andhra Pradesh Legislative Council (Abolition) Bill, 1985: Making a statement on 10 May 1985, the Minister of State in the Ministry of Law and Justice, Shri H. R. Bhardwaj informed the House that on 24 March 1983 and again on 30 April 1985, the Legislative Assembly of the State of Andhra Pradesh passed a Resolution in terms of article 169 of the Constitution for the abolition of the Legislative Council of that State. The Government, therefore, had taken a decision to introduce a Bill, providing for the abolition of the Legislative Council of the State. On 15 May 1985, Shri H. R. Bhardwaj introduced the Bill and the next day he moved a motion for consideration and passing of the Bill.

Welcoming the Bill, Shri C. Madhav Reddy expressed gratitude at the way the Government had acted and accepted the wishes of the Government of Andhra Pradesh.

Winding up a brief discussion in which two other members, Sarvashri E. Ayyapu Reddy and S. Jaipal Reddy participated, Shri Bhardwaj said that by implementing the Resolutions of Andhra Pradesh Assembly, the Government were doing something which was 'highly democratic'. The Congress(I), he added, had a majority in the Andhra Pradesh Council. But such sacrifices had to be made if democracy had to thrive in the country.

The Bill was passed.

*Arms (Amendment)Bill, 1985**: On 17 May 1985, moving that the Bill be taken into consideration, the Minister of Home Affairs, Shri S. B. Chavan said that in the context of the increase in extremist activity and more frequent use of arms in committing acts of

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*The Bill was introduced by the Minister of Home Affairs, Shri S.B. Chavan on 16 May, 1985.

violence directed against innocent people, it had become necessary to make the punishment for violation of certain provisions of the Arms Act more stringent so that it might have a deterrent effect. The amending Bill sought to raise the minimum punishment for violation of provisions of certain sections of the Arms Act from six months to one year for offences committed in non-disturbed areas. For offences committed in disturbed areas, such as Punjab and the Union Territory of Chandigarh, the imprisonment would be three to seven years as against three years and also impose a fine.

Winding up a brief discussion, in which 9 members* took part, Shri S. B. Chavan informed the House that the Bill had very limited purpose of providing more deterrent punishment to those who possessed or passed on illegally arms to terrorists or the anti-social elements.

The Bill was passed.

*Terrorist and Disruptive Activities (Prevention) Bill, 1985***

On 20 May 1985, moving that the Bill be taken into consideration, the Minister of Law and Justice, Shri Asoke Kumar Sen said that the recent bomb blasts in Delhi and in other towns had shown that behind such acts of terrorists were organised groups operating not merely with their own resources but with great encouragement and help from outside agencies. Such acts of terrorism, which were different from a 'political movement', could be dealt with only by strong measures.

Commending the Bill to the House, Shri Sen said that the special powers which were sought to be taken were needed for two purposes—to find out the terrorists, their hideouts, plans and actions, and when they were found out for punishing them severely. The Bill, *inter alia* provided death penalty for persons committing terrorist acts resulting in the dealth of any person. For disruptive activities a minimum punishment of three years and a maximum punishment of life imprisonment was provided in the Bill.

Participating in the Discussion, Shri C. Madhav Reddy sought the Government's assurance that the provisions of the Bill would not be used to suppress genuine political activity in the country.

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* Members who took part in the discussion were : Sarvashri E. Ayyapu Reddy, Keyur Bhushan, Basudeb Acharia, Somnath Rath, H.M. Patel, Abudl Rashid Kabuli, Sriballav Panigrahi, Vijay Kumar Yadav and G.M. Bantawia.

** The Bill was introduced by the Ministr of Law and Justice, Shri Asoke Kuma Sen 18 May, 1985.

Professor Madhu Dandavate suggested that the powers of the State Governments should be exercised by the Centre with their concurrence. Shri P. Kolandaivelu observed that by giving appellate powers to the Supreme Court, the High Courts were being passed.

Intervening in the discussion, the Minister of Home Affairs. Shri S. B. Chavan assured the House that neither the Central Government nor State Governments would misuse the provisions of the Bill. The law-enforcing agencies would be given a new kind of training new orientation, to infuse in them a proper understanding of the problems and would be provided with modern equipments required for effectively dealing with the problem which they were supposed to confront.

Replying to the discussion, in which 22 other members* participated, Shri Asoke Kumar Sen said that the new measure was not aimed against the Sikh community but against the terrorists. The Sikhs, he said had always been a part of country's history, politics and society and would always remain so.

With regard to the demand for extending the provisions of the Bill to Jammu and Kashmir, Shri Sen pointed out that it could be done only after obtaining the concurrence of State Legislature and that was precisely the intention of the Government.

Referring to a demand for limiting the period of that measure to only two years from the date of its commencement, Shri Sen made it clear that Government did not want to govern the country with extraordinary powers unless it was absolutely necessary.

The motion for consideration was adopted and the Bill, as amended, was passed.

C. The Question Hour

During the entire Budget Session, in all 16,447 notices of questions (11,856 Starred, 4,503 Unstarred and 88 Short Notice Questions) were received. Out of these, 914 Questions were admitted as Starred and 7,227 as Unstarred. 14 Starred and 123 Unstarred Questions

*Other members who took part in the discussion were Sarvashri Chandra Partap Narian Singh, Jagannath Rao, N.Tombi Singh, Amal Dutta, S.B. Sindal, Chiranji Lal Sharma, Mool Chand Daga, G.L. Dogra, A. Charles, Zainul Basher, G.G. Swell, Saif-ud-Din Soza Sham Lal Yodav, P. Chidambram, Pyius Tirkey, Ram Parkash C. Janga Reddy, Benwrai Lal Parohit, P. Namgal Shri mati Geeta Mukherjee Shrimati Krishna and Sahai Shrimati and V. Javanmamala Bali.

were deleted|wihtdrawn|transferred from one Ministry to another. Three Short Notice Questions were also admitted during the Session.

Daily Average of Questions: Each list of Starred Questions contained 20 questions except those of 9, 10, 17, 18, 24, 26 and 29 April 1985 and 7, 8, 14 and 15 May, 1985 which contained 21 questions each and of 28 March, 1985 and 13 May, 1985 contanied 23 Questions each. The Questions in excess of 20 in these lists were either postponed or transferred Questions. On an average, 7 Questions were orally answered per sitting on the floor of the House. Maximum number of Starred Questions orally answered was 11 on 14 May, 1985 and the minimum number was 5 on 15, 19 and 29 March and 12 April, 1985.

Half-an-our Discussion: In all 43 notices of Half-an-our Discussions were received during the Session. Out of these, nine notices were admitted and six were discussed on the floor of the House.

D. Obituary References

During the period obituary references were made to the passing away of Dr. Saradish Roy and Chowdhry Girdharilal, both sitting members and Sarvashri Jayawant Ghanashyam More, Ram Narain Sharma, Balbir Singh, and Father Anthony Murmu, all ex-members. The members stood in silence for a short while as a mark of respect to the deceased.

RAJYA SABHA

Hundred and Thirty-Fourth Session*

The Rajya Sabha met for its hundred and thirty-fourth Session on 29 April 1985 and adjourned *sine die* on 21 May, 1985. Some of the important subjects discussed during the Session are briefly mentioned below:

A. Discussions

Situation arising out of anti-reservation stir in Gujarat: On 29 April 1985, Shri Ram Naresh Kushawaha called the attention of the Minister of Home Affairs to the situation arising out of the continued violence in the wake of anti-reservation stir in Gujarat and the action taken by Government in the matter.

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* Contributed by the Research and Library Section, Rajya Sabha Secretariat

Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shrimati Ram Dulari Sinha said that the House was already aware that since the middle of February 1985, students in Gujarat started an agitation against the increase in reservation for other backward classes in medical and technical courses. The agitation started with the policy of reservation and later degenerated into communal strife. The Chief Minister and his colleagues held discussions with various sections of the society, including representatives of the various associations, leaders of Opposition parties and other political leaders, educationists etc. and a common appeal was issued by all concerned on 19 April to call off the agitation.

The Minister was sure that the House would join her in condemning violence and in making a fervent appeal to all sections of the society to work wholeheartedly in getting rid of violence and restoring law and order. She appealed to all sections of the House and also to the Press to co-operate in the task in restoring normalcy in Gujarat.

As regards the reservation policy, the Minister observed that the Central Government stood committed to the policy of reservation for the Scheduled Castes and the Scheduled Tribes as provided in the Consitution. Regarding other backward classes it would be better, she said, to evolve a national consensus before any step is considered.

With regard to measures of relief provided by the State Government, *ex-gratia* payment of Rs. 20,000 per person was made to the next of the kin of those who were killed. Rs. 2.42 lakhs in cash were paid to more than 4,000 persons who suffered during the disturbances. Six relief camps had been organised to provide relief to more than 12,000 persons. *Ex-gratia* payment was also made in 403 cases where movable property was destroyed. The State Government had formulated a scheme for rehabilitation of the affected persons and providing loans to them at concessional rates of interest. The Minister made it clear that there was no question of dissolving the present Gujarat Government or imposing President's rule there.

As regards the setting up of an inquiry commission, the Minister observed that law and order being a State subject, it was for the State Government to take a decision on that issue.

Working of the Ministry of External Affairs: On 2 May 1985, Shri K. Mohanan, initiating the discussion on the working of the Ministry of External Affairs, said that the existing reality was that

the entire world was facing a nuclear-war threat. The member welcomed the Delhi Declaration of the Six-Nation Sununit regarding ban on nuclear arms and congratulated the Soviet Union for their ready positive response. But the Reagan Administration had not responded to the Delhi Declaration and the Indian Government had failed to condemn the attitude taken by the Reagan Administration, he added.

The member also congratulated the left and democratic parties of India because they had done the job in a big way throughout by mobilising people for world peace and against nuclear arms.

The member was not happy with the working of the Indian embassies, especially those working in the Gulf countries. Their main purpose was to safeguard the interest of Indians working in these Gulf countries, but the embassies were treating them simply as coolies. Nobody was there to look after their problems. The member asked the Minister for External Affairs to look into the matter very seriously and rectify the functioning of the Indian embassies throughout the world.

Replying to the discussion* on 3 May 1985, the Prime Minister, Shri Rajiv Gandhi said that the Indian foreign policy had been tested over 37 years. During all these years it had been recognised as a very viable and positive foreign policy, not only in India, but all over the world. India's foreign policy had established a lead not only for India, but it had shown the way to a hundred non-aligned countries. Non-alignment was one of the principles on which India's foreign policy was based.

The Prime Minister asserted that one of the cornerstones of India's foreign policy was the promotion of peace in the world. One of the steps that the Government had taken earlier during the year to help that process was to convene the Six-Nation Conference in Delhi whose Declaration had been widely accepted across the world. Even in the nuclear-weapon countries, the people in general had been moved by the Declaration. It had changed and affected the public opinion in major power countries. That was a follow-up of the first Declaration by the Six Nations a year ago on

*Other Members who took part in the discussion were : Sarvashri P. N. Sukul, Ahmed Arun *alias* V. Arunachalam, Shrimati Sushila Rohatgi, Sarvashri M.S. Gurupadswamy Bijoy Krishna Handique, Jaswant Singh, Shyam Sunder Mohapatra, Murlidhar Chandrakant Bhandare, N.B. Bairam, Madan Bhatia, V. Gopalsamy, Khurshid Alam Khan Ram Naresh Kushwaha B. Satyanarayan, Reddy, Bhuvnesh Chaturvedi, Khushwant Singh, and S.W. Dhabe.

22 May, 1984. On his forthcoming visits to the USSR, Egypt, Algeria, France and the USA, the Prime Minister proposed to talk to the leaders of these countries about disarmament, the Declaration of the Six-Nation Conference, among other things.

Referring to the NAM Bureau meeting on Namibia held recently in Delhi, the Prime Minister said that the entire Non-Aligned world stood united for that cause. The Resolution adopted at the meeting had gone to the corners of the world and it was believed that it would help in Namibia's fight for freedom.

India had been paying great attention to improving relations with its neighbours. But India's integrity, unity, ideology and the principles could not be compromised. India's relations with many of its neighbours were good. Unfortunately, with certain countries they were a bit strained, said the Prime Minister.

There were two factors which affected India's relation with Pakistan. One was their feverish accumulation of weapons, while the other and the very crucial factor was their nuclear programmes. India had no indication at present on how advanced their nuclear programme was. There was also no indication that they were not proceeding towards making a nuclear weapon, the Prime Minister commented.

Sri Lanka in the south was having tremendous internal problems. These were spilling over into India. There were almost one lakh refugees on the Indian soil. It had to be seen that the refugees must return to Sri Lanka with honour and safety. Indian Government were in contact at various levels with the Sri Lankan Government, and some progress had been made in this direction, the Prime Minister stated.

The Prime Minister reiterated that the Indian Government was desirous of improving its relations with China. India had signed a trade agreement and hoped to see its relations improve. But it went without saying that the central problem of the border could not be forgotten, the Prime Minister asserted.

Working of the Ministry of Information and Broadcasting: On 7 May 1985, Shri Sudhakar Pandey, initiating the discussion on the working of the Ministry of Information and Broadcasting said that this Ministry was not only the voice of the Government but was also an instrument for creating national awareness among the peo-

ple. The Ministry was engaged in multifarious activities. Whatever work was being undertaken by the Ministry with its limited resources was highly appreciable. In the recent past the Ministry had done a wonderful job in the field of television. It was an uphill task to spread the T.V. network in so many places within such a short time. T.V. programmes were gaining so much popularity that nobody wanted to miss them. But, it appeared that the T.V. programmes were not representing the life-style of crores of people of the country. No doubt, good programmes were telecast on T.V., but they could not be enjoyed sitting with family members. Nobody could check the modern trends in life. They were inevitable. But modernity did not mean erosion in the values which Indians cherished, the member pointed out.

The member urged upon the Government that efforts should be made to see that the T.V. came within the reach of the poor. In most of the T.V. programmes city life was depicted. A few programmes pertained to village life. More and more programmes representing the village life should be telecast on T.V. In the modern age, the T.V. and Radio had to play the role of an open university where people could learn so many things while sitting at home. The present system of education had made the people literate, but it had failed to educate them in the real sense. T.V. had to be made upto date in the field of research so that the literary works which had been completely forgotten could also be brought into limelight. The member urged upon the Government also to protect those values which were the part and parcel of the country's heritage. The folk songs, dramas and dances which were in vogue in the country should also be brought back to life through T.V. and Radio, the member suggested.

On 8 May 1985, the Minister of State in the Ministry of Information and Broadcasting, Shri V. N. Gadgil, replying to the discussion* said that he was grateful to all the members of the House for the contribution they had made to the debate. He said that with regard to individual cases and points of comparatively lesser importance, he would deal with them and send individual replies to the honourable members concerned. The Minister assured that the object or the task or the function of the Ministry was not to propagate any ideology

* Other members who took part in the discussion were : Sarvashri Mostafa Bin Quasem, Kapil Verma, Valampuri John, Raoof Valiullah, Hukmdeo Naryan Yadav, Dr. Rudra Pratap Singh, Sarvashri Pyarelal Khandelwal, Vishwa Bandhu Gupta, Chaturanan Mishra, Satya Prakash Malaviya, Pawan Kumar Bansal, Prof. C.L. Lakshmanna, Sarvashri H.L. Kapur, Shankar Prasad Mitra, N.K.P. Salve and Kushwant Singh.

or any particular point of view, but to educate and to inform the people about strengthening the objective mentioned in the Preamble to the Constitution of India.

The Minister observed that Doordarshan had made a remarkable progress. Figures had been quoted to show how within less than four years, the percentage of population covered had increased from 20 to 70. The Minister said it was unfair to say that this was politically motivated. It was a great achievement, and it was something to be proud of.

Doordarshan was presenting a great variety of programmes. Besides, many other programmes, such as 'Naval Jyoti' and family welfare, spot-light on youth etc., the most innovative and imaginative programme which was developed by the Government was on an idea given by the Prime Minister himself. It was the Janavani programme. The idea was that people should come face to face with Union Ministers and the latter should know what the problems of the people were and where there were successes and where there were failures and what the public reaction was so that corrective action could be taken. In all these programmes, it was not one-sided presentation of achievements of the Government.

Referring to the point that the autonomy of All India Radio and Doordarshan was not granted on the model of BBC, the Minister regretted that it was a typical weakness of a section of the middle class in India which considered the Western model as the best. The Minister said he was prepared to explode the myth of BBC's credibility, about which serious doubts had been raised by eminent thinkers and writers.

The Minister was in favour of evolving a National Communication Policy involving the Press, A.I.R., Television, the Government and the citizens. The Minister also suggested that an Information Society which might help in establishing a democratic, secular and socialist nation should be created.

Bomb explosions in Delhi and the neighbouring States: Making a statement on the subject on 13 May 1985, the Minister of State in the Ministry of Home Affairs, Shrimati Ram Dulari Sinha said that since the evening of 10 May, there had been a spate of explosions in Delhi and some of the neighbouring States, killing and maiming innocent people including women and children. These dastardly and heinous acts had so far resulted in the loss of lives of more than 80

people in Delhi and other States. The explosive devices were placed in buses, trains and crowded places where the damage could be the maximum. Some of the objects were innocently picked up by people and the same exploded in and around their homes killing and injuring them.

The Government was determined to deal with the situation firmly. The measures that the Government initiated in the last two months for the process of normalisation in Punjab should not be seen as a sign of weakness. The Government was still awaiting a positive response to its steps. Now that terrorism had surfaced openly, it was a challenge to not only to leadership but also to the masses to wake up. They must appreciate the immense damage the extremists were causing to the nation. The latter would realise the grave implications of their actions. The extremist forces that have indirectly been unleashed must be contained, and senseless killing of innocent persons stopped forthwith. Unless that was done, consequences would be grim, the Minister commented.

The Minister appealed to the House, and through the House to one and all, to face the situation without losing one's cool, to cooperate with the authorities in their task of maintaining law and order and to help in apprehending miscreants and trouble makers who might try to take advantage to vitiate the atmosphere. The Minister made it clear that the Government was alert to the situation and would spare no effort in maintaining communal amity at any cost.

The Minister of Home Affairs, Shri S. B. Chavan, replying to the discussion* contradicted that Bhindranwala was a creation of the ruling party. Making repeated utterances of the same thing did not make it true, the Minister remarked.

The Minister hoped that all sections of the House would rise above their party affiliations and give full co-operation in finding a political solution of the problem and also in dealing with the situation to end terrorism and extremism. In conclusion, the Minister thanked all the citizens of Delhi who, in spite of a very provocative situation, had reacted calmly and in a very mature manner.

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* Other members who took part in the discussion on the statement were Sarvashri Lal K. Adwani, Pranab Mukherjee, K. Mohanan, Rajiv Gandhi, Prime Minister, R. Mohanarngam, P. Shiv Shanker, M.S. Gurupadaswamy, Darbara Singh, Chaturanan Mishra, Sultan Singh, Sushil Chand Mohunta, Miss Saroj Khaparde, Prof. C. Lakshmanna, Sarvshri Murlidhar Chandrakant Bhandare, Khushwant Singh and Shrimati Amarjit Kaur.

B. Legislative Business

The Payment of Bonus (Amendment) Bill, 1985: On 8 May 1985, the Minister of State of Labour, Shri T. Anjiah moving the motion for consideration of the Bill, said that the question of bonus had been a subject matter of controversy in many respects for quite some time. The Payment of Bonus Act, 1965 had been enacted in the hope of settling various issues. Since then the Act had been amended several times. But still there were demands for further amendment to the Act. It had been decided that that lower ceiling of Rs. 750 per month for computation of bonus should be raised. Accordingly in pursuance of the assurance given by the Finance Minister in his Budget speech to raise the lower ceiling of Rs. 750 per month to Rs. 1,600 per month, it was proposed to omit Section 12 of the Act so that the bonus, in respect of those employees whose salary or wage exceeded Rs. 750 per month, was calculated on the basis of their actual salary or wage. The amendment would provide relief to a majority of workers.

Replying to the debate on 9 May 1985, Shri T. Anjiah, said that the labour had been struggling for forty years for their right for bonus. Still there were lacunae in the Bill. The private sector exploited the labour and did not want to pay fair wages to them.

In 1980, when Shrimati Indira Gandhi had come to power again, her Government had laid a permanent basis for the payment of bonus. There might be some loopholes in the Bill. There would be certain difficulties in defining the salary or wage as basic pay. It would affect many public sector undertakings adversely. Some of them were running under loss. The Minister said he remained in constant touch with the Finance Minister. As soon as position improves, the Government would take appropriate action.

The Minister was very much concerned on closure of some of the Dalmia industrial units. No private unit had the right to turn its workers as unemployed. The Government was persuading the State Governments to take over such units.

The Government was going to evolve its policy with regard to wages, bonus and social securities. The steps taken by the Government for ameliorating the lot of the labour would continue to move forward. The intention of the Government was very clear in this behalf. The Government was contemplating to overhaul the whole structure, the Minister concluded.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was passed on the same day.

*The Appropriation (No. 4) Bill,1985**: On 9 May 1985 the Minister of State in the Ministry of Finance, Shri Janardhana Poojary, moving the motion for consideration of the Bill said that the Bill provided for withdrawal from the Consolidated Fund of India the amounts required to meet the expenditure for the year 1985-86, including those charged on the Fund as well as voted by the Lok Sabha.

Replying to the debate on 14 May 1985, Shri Poojary said that the per capita income in 1983-84 was estimated at Rs. 2,201 which represented an increase of 17.8 per cent at the current prices over 1982-83.

Referring to the remarks of some members that African countries were progressing faster as compared to India, the Minister observed that it was correct to some extent because they relied on foreign collaborations, foreign technology and foreign borrowings. On the contrary, the extent of India's reliance on foreign assistance was very small. If the foreign collaborators or foreign companies withdrew their assistance from those countries they would collapse like a pack of cards. This was the difference between India and other countries. India was in a position to stand on her own legs.

India had, in 1950-51, five public sector undertakings with an investment of Rs. 29 crores. The latest position was that on date India had a public sector with an investment of Rs. 35,411 crores. In the current year there was record profit of Rs. 956 crores. It was correct that all the public sector undertakings were not making profit, but its reason was that the Government had taken over sick industries, the Minister clarified.

As regards the States' performance, the Minister stated that the States were having deficit budget. Eighty-five per cent of the income-tax went to the States, 45 per cent of the Union excise duty went to the States, and 100 per cent of the Central Government sales tax went to the States. Earlier, the estate duty use to go to the States in addition to the Plan outlay. When the States approached the Finance Commission

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* The Bill as passed by the Lok Sabha was laid on the Table on 8 May, 1985.

at the time of formulation of their plans, they were clearly told about their allocations and that the remaining amount should be raised through their own resources. In spite of clear-cut instructions they were going in for overdrafts.

The motion for consideration of the Bill was adopted, clauses etc. were adopted and the Bill was returned on 14 May, 1985.

The Finance Bill, 1985*: On 14 May, 1985, the Minister of Finance and Commerce and Supply, Shri Vishwanath Pratap Singh, moving the motion for consideration of the Bill said that the Bill had been before the members for nearly two months. During the general discussion on the Budget, and thereafter, members from both the Houses had made useful suggestions in regard to the provisions contained in the Bill. After a careful consideration of these suggestions, he had moved certain amendments to the Bill in the Lok Sabha which had been accepted and incorporated in the Bill as passed by the Lok Sabha.

As regards the provisions relating to the indirect taxes, the Minister had announced certain concessions in respect of bidis and a few items of leather machinery. Having regard to the important role played by the farmers, the Minister had also announced certain reliefs in respect of agricultural implements, specified poultry equipments and medium power tractors upto 25 horse power. As a step in the direction of improving the performance of the special programmes for poverty alleviation and employment generation, it had been decided to make a special allocation of Rs. 100 crores for the Rural Landless Employment Guarantee Programme in addition to an allocation of Rs. 400 crores provided in the Budget Estimates for 1985-86. The additional allocation which would be fully met by the Central Government would be utilised exclusively for construction of low-cost rural houses. It was expected that it would be possible to begin construction of 20,000 houses under this scheme during the current year and a total of one million rural houses for Scheduled Castes and Scheduled Tribes during the Seventh Plan period, the Minister informed the House.

Replying to the debate on 17 May, 1985, Shri Vishwanath Pratap Singh said that any economic policy had to address itself to the human conditions and the material conditions of the country and the interaction of these two factors with each other. Constraint on

* The Bill, as passed by the Lok Sabha was laid on the Table on 15 May, 1985.

foreign exchange, rupee resources constraint and the poverty were three basic realities of Indian economy. In response to the foreign exchange constraints, the policy of import substitution and self-reliance was evolved. To meet the challenge of rupee resources constraint, a planned economy was adopted wherein the public sector would have the dominant role. Policies for establishment of an egalitarian society were framed and followed to tackle the problem of poverty. Moreover, all these problems were to be solved within the framework of democracy.

So far as the question of prices was concerned, in September 1984, the Index number was 346 and in April 1985, it was 347. This showed that there had not been much increase in the price index.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was returned on 17 May, 1985.

*The Terrorist and Disruptive Activities (Prevention) Bill, 1985**: On 21 May 1985, the Minister of Law and Justice, Shri AsokeKumar Sen, moving the motion for consideration of the Bill, said that the Bill had come from the Lok Sabha and had been amended in certain respects. It aimed at combating the menace of terrorism and disruptive activities which had been playing havoc with human lives for the past several years from the North-East—Nagaland, Mizoram, Manipur—right up to Kashmir in the North-West. Recently, there had been alarming increase in such activities in the Punjab and some other parts of the country, including Delhi. It had thrown up a challenge to the very basis of the democratic fabric. The Bill was not aimed at any particular community or region. It was only aimed at the terrorists throughout the country. The Government had every reason to believe that the roots of such acts of terrorism could be found outside India. That made it more important for the House to take notice of it.

The core of the measure was to arm the law-enforcing authorities with such powers as might be considered necessary to meet the present menace. The most important thing was that the Government must be given the powers necessary to find where these acts of terrorism originated; secondly, how they could be detected, and thirdly, when the terrorists were caught, how they should be dealt with. Two separate acts of danger were to be met with this measure. The first was terrorism and the second was "disruptive activity". These two menacing activities had to be rooted out. And in doing

* The Bill, as passed by the Lok Sabha, was laid on the Table on 20 May, 1985.

so, the Government was giving powers of making rules to the State Governments and certain other authorities, the Minister told the House.

Replying to the debate, the Minister said that those who did not believe in the integrity and unity of the country those who were not ready to shed their blood for the country but wanted to slice away its parts and build up mess everywhere else outside the country, did not deserve to be nurtured in the country. Everybody knew that law did not cure people. People were cured by the healing touch of the Budha, by *anukampa*, compassion. That supreme spirit of compassion must still prevail. But those who still took to the bomb, to the gun and to other instruments of destruction and killed innocent men, women and children had to be dealt with.

The motion for consideration of the Bill was adopted, the clauses etc were adopted and the Bill was passed.

C. Question Hour

During the 134th Session of the Rajya Sabha 4,011 notices of questions (3,793 Starred and 218 Unstarred) and 10 Short Notice Questions were received. Of these 276 Starred Questions and 1,975 Unstarred Questions were admitted. One Short Notice Question was also admitted. After the lists of questions were printed, 10 Starred and 42 Unstarred Questions were transferred from one Ministry to another and 1 Unstarred Question was cancelled and 3 Unstarred Questions were withdrawn by the members.

Daily Average of Questions: Each of the lists of Starred Questions contained 18 to 23 questions. On an average 5.2 questions were orally answered on the floor of the House, per sitting. The Maximum number of questions orally answered was 7 on 15 and 17 May, 1985 and the minimum number of questions orally answered was 3 on 3 May, 1985.

The minimum number of questions admitted in the Unstarred Question List was 87 on 29 April, 1985 and their maximum number was 236 on 15 May, 1985. Their average came to 141.07.

Half-an-Hour Discussion: In all, 11 notices of Half-an-Hour Discussion were received during the Session and 2 were admitted.

Statements correcting answers to questions: In all 2 statements correcting answers to Questions answered in the House were made laid by the Ministers concerned.

D. Obituary References

During the Session, the Chairman made references to the passing away of Sarvashri Dookinandan Narayan, Shiva Nandan Singh, Banarsi Das Chaturvedi, Sham Sunder Narain Tankha, Pramatha Nath Bisi and P. Sundaryya, all ex-Members. The House stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

Himachal Pradesh Legislative Assembly*

The second session of the Sixth Vidhan Sabha commenced on 21 June, 1985 and was adjourned *sine die* on 10 July, 1985.

Legislative Business: Out of the ten official Bills passed by the House, the Himachal Pradesh General Clauses (Third Amendment) Bill, 1985 provided for laying on the Table of the House of the rules framed under any Central or State law, delegating power to the State Government. The Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Bill, 1985, provided for waiving of recovery of house building loan from the family of a member who died before the end of his term. The Himachal Pradesh Open Places (Prevention of Disfigurement) Bill, 1985 aimed at combating the problem and menace of defacement of walls of private and public buildings, especially during the electioneering campaign.

Obituary reference: An obituary reference was made on the passing away of Shri Agya Ram Thakur; ex-member.

Karnataka Legislative Council**

The Karnataka Legislative Council commenced its session on 18 March, 1985 and the House was adjourned *sine die* on 10 April, 1985.

Ratification of Constitution (53rd Amendment) Bill, 1984: On 28 March, 1985, a resolution, ratifying the Constitution (53rd Amendment) Bill, 1985, as passed by the two Houses of Parliament, was adopted by the House.

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*Contributed by the Himachal Pradesh Legislative Assembly Secretariat.

**Contributed by the Karnataka Legislative Council Secretariat.

KARNATAKA LEGISLATIVE ASSEMBLY*

The Karnataka Legislative Assembly commenced its session from 18 March, 1985. It was adjourned *sine die* on 6 April, 1985.

Ratification of Constitution (53rd Amendment) Bill, 1984: The House adopted a resolution ratifying the Constitution (53rd Amendment) Bill, 1984, as passed by the two Houses of Parliament, on 28 March, 1985.

RAJASTHAN LEGISLATIVE ASSEMBLY**

The first session of the Eighth Rajasthan Legislative Assembly commenced on 19 March, 1985 and was adjourned *sine die* on 29 March, 1985. The Governor addressed the Assembly on 20 March, 1985. A Motion of Thanks on the Address, which was moved on 21 March, 1985, was adopted by the House on 26 March, 1985.

Obituary references: The House made obituary reference on the sad demise of the late Prime Minister, Shrimati Indira Gandhi and Mr. Konstantin Chernenko, President of USSR. Obituary references were also made in respect of some members of the House who had recently passed away. The House observed two minutes silence to pay respect to the departed souls.

SIKKIM LEGISLATIVE ASSEMBLY@

The second session of the Third Sikkim Legislative Assembly was held from 24 to 28 June, 1985.

Financial Business: The Budget for the year 1985-86, amounting to Rs. 41 crores, was presented on 24 June, 1985 by the Finance Minister, Shri Chamla Tshering Bhutia. It was unanimously passed by the House on 27 June, 1985.

TAMIL NADU LEGISLATIVE COUNCIL@@

The sixty-seventh session of the Tamil Nadu Legislative Council commenced on 8 March, 1985 with an Address by the Governor to both the House of the Legislature, assembled together. A Motion of Thanks on the Address was adopted by the House.

* Contributed by the Karnataka Legislative Assembly Secretariat.

** Contributed by the Rajasthan Legislative Assembly Secretariat.

@ Contributed by the Sikkim Legislative Assembly Secretariat.

@@ Contributed by the Tamil Nadu Legislative Council Secretariat.

Ratification of Constitution (53rd Amendment) Bill, 1984. The House adopted a resolution, ratifying the Constitution (53rd Amendment) Bill, 1984.

Obituary references: On 9 March, 1985, a resolution on the demise of late Prime Minister, Shrimati Indira Gandhi was adopted *nem. con.* The House was adjourned for the day as a mark of respect to the memory of the departed soul. A resolution in memory of late President of USSR, Mr. Konstantin Chernenko was adopted on 14 March, 1985.

Shri P. M. Sayeed:....My misfortune is, when Buta Singhji visited, with whom I have decades of friendship, at that time....

Prof. Madhu Dandavate: How can you be misfortunate?

Shri P. M. Sayeed: I was misfortunate because when he visited Kerala, this misfortune had not taken place in Lakshadweep.

Shri Buta Singh: In his constituency, the calamity happened after my visit to Kerala. (*L.S. Deb.*, 25 July, 1958)

BOOK REVIEW

Francis Pym; *The Politics of Consent*, London, Hamish Hamilton 1984, pp. 196; £8.95.

The British have always operated in the grey areas avoiding the rigidities of extremes of black and white. This together with a shared value system enabled the island people to establish the greatest empire the world has known; the empire where the Sun never set. Their mode of life, their institutions, their unwritten Constitution, their generalist Parliament and their monarchy are all based on a pragmatic approach rather than a doctrinaire view. This has been their strength. Today, when the empire is gone, the Commonwealth stands a testimonial to the British genious of adaptability and tolerance.

Francis Pym points this out on the very first page of his book. "The Politics of Consent". Throughout the book, he practises what he preaches. His differences with Prime Minister Margaret Thatcher, the main reason for the book, are never allowed to appear personal or biased. Gallantly he praises Mrs. Thatcher for rescuing the Tories from banishment, for leading them to victory in parliamentary elections, for providing a good government and for many more things she has done as the Leader of the ruling Conservative Party. Very deftly, he accuses her of over-centralising governmental power in the Prime Minister's Secretariat, for insensitivity towards other opinions in the party and outside, and for her style of functioning in which only what she thinks right is best. Only on the last page of the book, he expresses the fear that under her leadership the Tory boat is likely to sink.

Mr. Pym has, however, failed to notice that Mrs. Thatcher is not the only Prime Minister trying to centralise power in her hands nor the one that does not seek or heed to advice of others. This appears to be the modern trend; moreso, in cases where leaders believe that their parties have come to power because of the leadership they have provided. It is they, who have brought victory to the party and not the party has brought success to them. The successful culmination of the liberation struggles in dependent territories in the fifties and sixties brought freedom to over one-half of the population of the world. The former British colonies invariably adopted the Westminster model of parliamentary democracy as their form of government. But, within the next decade almost all of them had exchanged it for some form of authoritarian system. The consensus essential to run parliamentary system despite the rule of the majority had broken down. Rulers impatient to carry out plans considered desirable by them decided to centralise power and did away with dissent. Even in the surviving democracies the tendency is towards centralisation of power.

Had the author been other than Francis Pym, the story might have ended here as a personal explanation of a Minister dismissed from government, without much relevance to the outside world. It would have been sufficient merely to read the introduction to the book. But, Mr. Pym was no ordinary Minister. He comes from a family long devoted to public life and has himself held government offices for over two decades under four Prime Ministers. He occupied some of the most coveted offices of the British Government next only to the Prime Minister. He was Minister of Defence, Minister of Foreign Affairs, the Chief Whip and the Leader of the House of Commons among other distinctions. With his vast experience in Government and outside, Francis Pym has raised some vital issues concerning parliamentary system, supremacy of Parliament, morality in politics, inter-party democracy and the style of functioning of the Prime Minister. These issues are not limited to Britain, they concern parliamentary forms in particular and democratic systems everywhere.

Parliament is supreme, the main democratic institution chosen by the people. The government functions at the will of the Parliament. Strong opposition is essential to run parliamentary democracy; its absence weakens the Parliament. Members of Parliament may get elected on a party ticket but they must take a wider view of things. They represent the constituency as a whole. "Since all MPs are elected because of the party they represent it is not surprising that

party leaders should expect them to be loyal to the party. However, if one persues that argument to its logical conclusion, every MP would be unfailingly loyal to the party and Parliament would become meaningless. The result of every vote in the House of Commons would be a foregone conclusion. Instead, it would be pointless to take a vote. It is both vital and inevitable that there should be a diversity of opinion. Political parties exist to simplify diversity, not to crush it".

One wonders how Mr. Pym, with these ideas, managed the Conservative Party in Parliament as its Chief Whip and later as the Leader of the House. His formulae are simple. Party leadership should keep in close touch with its members, listen to their views, discuss with them individually and collectively and evolve a consensus generally acceptable to all; the politics of consent. Indeed, it would be the best form of parliamentary democracy. The politics of consent extends further. It covers the opposition, too.

Marxism is dogmatic. It requires unquestionable subjugation of the individual to ideology and leadership. Pure capitalism is the other end of the rope also requiring adherence to dogmas of *laissez-faire*. It ignores social responsibility and compromise. Life requires understanding, accommodation and inter-dependence. There has to be a balance in society as also in politics. There is a decline of moral values. Politicians are turning careerists unwilling to express themselvse freely for fear of annoying the leadership. They are expecting to gain favours at the cost of their honest opinions. All this is a matter of concern. However, nature will achieve her balance one way or the other. "The enduring balance of centre outweighs the restless motion of alternative extremes".

The politics of consent is not limited to the Parliament or the domestic scene. It has a world view. Europe was once the centre of global power. The decline bagan with the Great War, without which there would not have been Hitler and the Second World War. The power centres have moved out of Europe. The two super-powers are USA and USSR. The Far East is also becoming important. However, Europe is now uniting. It can play an important role in promoting inter-dependence to replace confrontation. Britain may not be as powerful as it once used to be but it still has influence. Europe with its rich experience can 'temper the newer lights around us".

On foreign affairs generally and defence particularly, there is little deviation from the known British Government views, *i.e.* Solidarity with USA, strengthening of Western alliance, balancing Soviet power. However, there is a plea for understanding that the Soviet system will not be changed by pressure from outside; that the changes will, hopefully, come from within. In the meantime, better working arrangement should be arrived at and a determined move be made towards disarmament.

There is a forceful criticism of British Government's economic policy of 'monetarism'. Not so much of the theory, but practice. The inflexibility with which it is being applied is dangerous. In their effort to promote growth and reduce inflation government has taken measures which has increased unemployment. This will acquire unacceptable proportions unless a more balanced and flexible approach is adopted to combine the objectives of growth, employment and deflation.

The approach, whether in party management, economic order, conduct of foreign affairs, morality in public life, preservation of democracy, is always along the middle path. This, it is claimed, is the British heritage as well as the British destiny.

—Dinesb Singh M.P.

13

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APPENDIX I

STATEMENT SHOWING THE SITTING HELD BY THE COMMITTEES OF THE EIGHTH LOK SABHA DURING THE PERIOD 1 APRIL TO 30 JUNE, 1985.

Sl. No.	Name of the Committee	No. of sittings held during the period 1 April to 30 June, 1985.	No. of Reports presented to the House during the Budget Session.
1	2	3	4
	(i) Business Advisory Committee . . .	4	4
	(ii) Committee on Absence of Members . .	—	—
	(iii) Committee on Public Undertakings . .	2	—
	(iv) Committee on Papers Laid on the Table .	2	—
	(v) Committee on Petitions	—	—
	(vi) Committee on Private Members' Bills and Resolutions	—	—
	(vii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . .	4	—
	(viii) Committee of Privileges	—	—
	(ix) Committee on Government Assurances .	2	—
	(x) Committee on Subordinate Legislation .	4	—
	(xi) Estimates Committee	1	—
	(xii) General Purposes Committee . .	—	—
	(xiii) House Committee	8	—
	(a) Accommodation Sub-Committee .	2	—
	(b) Sub-Committee on Amenities . .	1	—
	(c) Sub-Committee on Furnishing . .	1	—
	(xiv) Public Accounts Committee . .	6	—
	(xv) Railway Convention Committee . .	2	—
	(xvi) Rules Committee	1	—
	JOINT / SELECT COMMITTEES		
	(i) Joint Committee on Offices of Profit .	1	—
	(ii) Joint Committee on Salaries and Allowances of Members of Parliament. . . .	1	—
	(iii) Joint Committee of Chairmen, House Committees of both the Houses of Parliament	—	—

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND THIRTY-FOURTH SESSION OF RAJYA SABHA

1. PERIOD OF THE SESSION	29 April to 21 May, 1985
2. NUMBER OF SITTINGS HELD	16
3. TOTAL NUMBER OF SITTING HOURS	109 hours and 56 minutes (excluding lunch recess)
4. NUMBER OF DIVISIONS HELD	Nil
5. GOVERNMENT BILLS	
(i) Pending at the Commencement of the Session	6
(ii) Introduced	4
(iii) Laid on the Table as passed by Lok Sabha	10
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	12
(x) Passed	9
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-Discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	3
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the session	8
6. PRIVATE MEMBERS BILLS	
(i) Pending at the commencement of the Session	27
(ii) Introduced	2
(iii) Laid on the Table as passed by Lok Sabha	Nil

(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	1
(vii) Withdrawn	Nil
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill.	Nil
(xvi) Pending at the end of the Session	28*

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)

(i) Notices recived	Nil
(ii) Admitted	Nil
(iii) Discussion held	Nil

8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE)

Statements made by Ministers	

9. HALF-AN-HOUR DISCUSSION HELD	2
10. STATUTORY RESOLUTIONS	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	Nil
(v) Negatived	1
(vi) Withdrawn	Nil
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil

*One Bill was removed from the register of pending Bills because the President had withheld his recommendation under article 117(3) of the Constitution for the consideration of the Bill by the Rajya Sabha.

(iii) Moved	Nil
(iv) Adopted	Nil
12. Private Members' Resolutions	
(i) Received	7
(ii) Admitted	7
(iii) Discussed	1
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion postponed	Nil
13. Government Motions	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. Private Members' Motions	
(i) Received	135
(ii) Admitted	135
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
15. Motions Regarding Modification of Statutory Rule	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
16. Number of Parliamentary Committees created, if any, during the Session	Nil

17. TOTAL NUMBER OF VISITORS' PASSES ISSUED . . . 1,878

18. TOTAL NUMBER OF PERSONS VISITED . 2,269

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED . . . . 212 on 16 May, 1985

20. MAXIMUM NUMBER OF PERSONS VISITED ON ANY SINGLE DAY AND DATE ON WHICH VISITED . . . . . 241 on 16 May, 1985

21. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred 276

(ii) Unstarred 1,975

(iii) Short-Notice Questions 1

22. DISCUSSION ON THE WORKING OF THE MINISTRIES

1. Communications

2. External Affairs

3. Agriculture & Rural Development

4. Information & Broadcasting.

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of the Committee	No. of meetings held during the period 1 April to 30 June, 1985	No. of Reports presented during Session.
(i) Business Advisory Committee . .	4	Nil
(ii) Committee on Subordinate Legislation	7	Nil
(iii) Committee on Petitions . . .	9	1
(iv) Committee of Privileges . . .	Nil	Nil
(v) Committee on Rules . . .	Nil	Nil
(vi) Committee on Government Assurances	4	Nil
(vii) Committee on Papers Laid on the Table	6	2

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . . — Nil

25. PETITIONS PRESENTED . . . . . Nil

26. NAME OF NEW MEMBERS SWORN WITH DATES

S. No.	Name of members sworn	Date on which sworn
1.	Shri A. K. Antony	29-5-85
2.	Shri N. E. Balaram	do.
3.	Shri Thomas Kuthiravattom	do.
4.	Shri Makhan Lal Fotedar	10-5-85
5.	Shri P. Shiv Shanker	do.

27. OBITUARY REFERENCES

S. No.	Name	Sitting Member/ Ex-Member
1.	Shri Deokinandan Narayan	Ex-member
2.	Shri Shiva Nandan Singh	Do.
3.	Shri Banarsi Das Chaturvedi	Do.
4.	Shri Sham Sunder Narain Tankha	Do.
5.	Shri Pramatha Nath Bisi	Do.
6.	Shri P. Sundarayya	Do.

APPENDIX-III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 APRIL TO 30 JUNE, 1983

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.	30-4-85	1	..	..	840(263)	(261) (a)	..
Assam L.A.	..	..		..		..	..
Bihar L.C.	8-4-85 to 12-4-85	5		..	170(187)	1(1)	78(37)
Bihar L.A.	2-4-85 to 12-4-85	7	..	..	204(b)	(91)	(56)
Gujarat L.A.	..		..				..
Haryana L.A.	..	..	..	..	..	..	..
Himachal Pradesh L.A.	21-6-85 to 10-7-85	14	10(10)	..	1041(522)	73(269)(c)	7(3)
Jammu & Kashmir L.C.	..		..	..	..	..	..
Jammu & Kashmir L.A.	..	..	..	..	..	..	..
Karnataka L.C.	18-3-85 to 10-4-85	6	(5)	..	78(32)	18(18)	2
Karnataka L.A.	18-3-85 to 6-4-85	4	16(16)	..	181(178)	30(30)	6(3)

Kerala L.A.	..	..	..	..	..	..	..	..
Madhya Pradesh L.A.	..	..	..	..	..	..	..	..
Maharashtra L.C.	..	..	..	..	..	..	..	..
Maharashtra L.A.	..	..	..	..	..	..	..	..
Manipur L.A.	12-6-85 to 11-7-85	19	5(4)		512(443)	(25)	5(5)	
Meghalaya L.A.	7-6-85 to 5-7-85	20	10(10)	..	15(15)	676(654)	..	
Nagaland L.A.	20-6-85 to 29-6-85	8	3(3)	—	112(104)	31(27)	—	
Orissa L.A.	..		..	..	..	..		
Punjab L.A.	..			..	..		..	
Rajasthan L.A.	..		..		..	..	..	
Sikkim L.A.	24-6-85 to 28-6-85	5	9(9)	..	16(16)		..	
Tamil Nadu L.C.	8-3-85 to 19-7-85	23	(26)	..	468(172)	10(10)	1(1)	
Tamil Nadu L.A.			..		..	..		
Tripura L.A.	24-5-85 to 3-6-85	7	1(1)	..	312(126)	64(d)		
Uttar Pradesh L.C.					..		..	
Uttar Pradesh L.A.	..	..			..			
West Bengal L.A.	11-3-85 to 10-5-85	36	20(20)	..	2338(1456)	699(744)(e)	16(6)	

1	2	3	4	5	6	7	8
UNION TERRITORIES							
Arunachal Pradesh	..	..		..		..	
Delhi Metropolitan Council	..	..		..			
Goa, Daman & Diu	..				..		
Mizoram L.A. –							
Pondicherry L.A.	..	..	..	..	..	..	..

Notes : (i) Figures in Cols. 4 and 5 indicate the number, respectively, of Government and Private Members' Bills introduced with the number of Bills passed in brackets.

(ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.

(a) The figure 261 includes notices received as Starred Questions.

(b) The figure 204 includes total number of notices received.

(c) The figure 269 includes 218 notices received as Starred Questions.

(d) All the 64 notices were received as Starred Questions.

(e) The figure 744 includes notices received as Starred Questions.

APPENDIX – III (*Contd.*)

(COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED)

STATES	9 Business Advisory Committee	10 Committee on Govt. Assurances	11 Committee on Petitions	12 Committee on Private Members' Bills and Resolutions	13 Committee on Privileges	14 Committee on Public Undertakings	15 Committee on Sub-ordinate Legislation	16 Committee on the Welfare of SC and ST	17 Estimates Committee	18 General Purposes Committee	19 House/Accommodation Committee	20 Library Committee	21 Public Accounts Committee	22 Rules Committee	23 Joint/Select Committee	24 Other Committees
Andhra Pradesh L.A.	..	..			..	..	..	..	..					8	..	7(a)
Assam L.A.	1	1	1	..	4	8	2	3	2		..	..	2	..	..	..
Bihar L.C.	1(1)	34	31	7	5	..	..	..	..		29	26	..	..	..	18(1)(b)
Bihar L.A.	8(1)	37	57			58	18	18	54		31	39	45	27	..	94(c)
Gujarat L.A.	..	..	..	..	..	5	..	..	..	..	..	..	..	..	..	7(d)

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Haryana L.A.	..	8	6		13	16	12	8	11		5	9	17	3(e)		..
Himachal Pradesh L.A.	2(a)	8	3	..	1	9(8)	4	7	8(1)	..	2	1	8(12)	1	..	4(f)
Jammu & Kashmir L.C.	..	4	7	..	5	..	8			2	2	1	..	3	..	..
Jammu & Kashmir L.A.	..		..	..	..						3		..	..	4(g)	..
Karnataka L.C.	2	..			..	..	..	..	..		..		..	..	..	..
Karnataka L.A.	1	2	..	..	2	5	5	7	4		3	..	13	..	..	6(h)
Kerala L.A.	1	8	10	3	1	17(12)	7	9(1)	9(1)		7	3	7(4)	1(1)(i)	43(1)(j)	..
Madhya Pradesh L.A.		2	2			7	2	3	2		2	1	5	2	..	..
Maharashtra L.C.											..		..			..
Maharashtra L.A.	..	..	..		..	..	..		..		..		..	..		..
Manipur L.A.	1(1)	4(1)	3(1)		2	6 (1)	..	..	5(1)		2	..	13	10(2)		..
Meghalaya L.A.	1	4			..	1(1)	4	4(1)	9(1)		..		..	..		
Nagaland L.A.	1					..	1(1)	..	3(2)			..	1(1)			
Orissa L.A.			..				..	..	..		..	..	..	..		..
Punjab L.A.		..	..		..	..	..	..	..		..	..	..	..	..	..
Rajasthan L.A.		10	22		23	25	19	39(k)	65(l)		25	21	28	16(m)	..	
Sikkim L.A.	..	..			..	..	..	..	1	..	2		2	..		..
Tamil Nadu L.C.	3	3		..	..		..	--	..		..		..	..		1(n)

Tamil Nadu L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tripura L.A.	1(1)	1(1)		1	1	..	4(0)	1(1)	..	..	..	..	..	..	..	3(p)	2(q)
Uttar Pradesh L.C.		23	15	49	32	..	..	..	..	32	..	..	23	21(r)	101(s)
Uttar Pradesh L.A.	..	..	1	..	5	3	2	5	..	..	..	..	..	..	..	..
West Bengal L.A.*	16(15)	17(1)	12	.. 10(3)	16	8(1)	16	23(4)	..	5(1)	1	20(6)	..	..	..
UNION TERRITORIES																			
Arunachal Pradesh L.A.	..		..		..	1	..	..		1	..	..	..
Delhi Metropolitan Council					..		..	..	..		..	..	..
Goa, Daman & Diu L.A.	..		..	..	..	..	..	..	..	..	..	..	..
Mizoram L.A.	2			1	8	..	1		14			..
Pondicherry L.A.	..					..	..	..	..	..	..	..	..

NOTES : Figures in the brackets indicate the number of reports presented to the House.

*This information pertains to the period from 1 January to 30 June, 1985.

(a) Amenities Committee-6 sittings and Sub-Committee of Amenities Committee – 1 sitting.

(b) Question and Calling Attention Committee – 18(1).

(c) Nivedan Committee – 74 sittings ; and Zila Panchayati Raj Committee – 20 sittings.

(d) Committee on Panchayati Raj – 7 sittings.

(e) Rules Committee – 1 sitting ; and Sub-committee of Rules Committee – 2 sittings.

(f) Committee on Papers Laid on the Table of the House – 4 sittings.

(g) Select Committee on A Bill to Provide for the Prevention of Defacement of Property and for Matters Connected thereto or incidental thereto 1 sitting ; Select Committee on the J & K Co-operative Societies (Amendment) Bill, 1984 – 1 sitting ; Select Committee on the J & K Forest Nurseries (Licencing) ill, 1984 – 1 sitting ; and Select Committee on the J & K Salaries & Allowances of the Leaders of the Opposition in the State Legislature Bill, 1984 – 1 sitting.

(h) Committee on Welfare of Backward Classes – 6 sittings.

(i) Select Committee on the Kerala Fishermens, Welfare Fund Bill, 1984–(1)

(j) Subject Committees 1 to X – 43(1)

(k) Committee on Welfare of Scheduled Castes – 20 sittings and Committee on Welfare of Scheduled Tribes – 19 sittings.

(l) Estimates Committee (A) – 32 sittings and Estimates Committee (B) – 33 sittings.

(m) Rules Committee (1985-86) – 1 sitting and Rules Sub-Committee (1985) – 15 sittings.

(n) Press Advisory Committee– 1 sitting.

(o) Committee on Welfare of Scheduled Castes–3 sittings and Committee on Welfare of Scheduled Tribes – 1 sitting.

(p) Select Committee on the Tripura Agricultural Workers Bill, 1984 – 3 sittings.

(q) Committee on Delegated Legislation – 2 sittings.

(r) Select Committee on U.P. Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Vidheyak, 1981 – 21 sittings.

(s) Question and Reference Committee – 21 sittings ; Parliamentary Studies Committee – 19 sittings ; Parliamentary Goodwill Committee – 23 sittings ; Financial and Administrative Delays Committee – 18 sittings and Compilation of Rulings Committee – 20 sittings.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING 1 APRIL TO 30 JUNE, 1985

Sl. No.	Title of the Bill	Date of assent by The President
1	The Constitution (Fifty-first Amendment) Bill, 1984 . .	29-4-85
2	The Appropriation (No. 4) Bill, 1985	16-5-85
3	The Payment of Bonus (Amendment) Bill, 1985 . .	22-5-85
4	The Terrorist and Disruptive Activities (Prevention) Bill, 1985	23-5-85
5	The Finance Bill, 1985	24-5-85
6	The Coinage (Amendment) Bill, 1985	24-5-85
7	The Andhra Pradesh Legislative Council (Abolition) Bill, 1985	24-5-85
8	The Companies (Amendment) Bill, 1985	24-5-85
9	The High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1985	24-5-85
10	The Tea Companies (Acquisition and Transfer of Sick Tea Units) Bill, 1985	28-5-85
11	The Monopolies and Restrictive Trade Practices (Amendment) Bill, 1985	28-5-85
12	The Arms (Amendment) Bill, 1985	28-5-85
13	The Securities Contracts (Regulation) Amendment Bill, 1985	1-6-85

APPENDIX V

List of Bills Passed by the State Legislatures During the Period 1 April to 30 June, 1985

STATES

Assam Legislative Assembly

1. The Assam Land (Requisition & Acquisition) (Amendment) Bill, 1985.
2. The Assam Official Language (Amendment) Bill, 1985.
3. The Assam Fire Service Bill, 1985.
4. The Assam Members' Salaries, Allowances and Pensions (Amendment) Bill, 1985.
5. The Assam Lokayukta and Up-Lokayukta Bill, 1985.
6. The Assam Colleges (Taking over of Management) and Control Bill, 1985.

Himachal Pradesh Legislative Assembly

1. The Himachal Pradesh Appropriation (Vote on Account) Bill, 1985.
2. The Himachal Pradesh Appropriation Bill, 1985.
*3. The Himachal Pradesh General Clauses (Third Amendment) Bill, 1985.
*4. The Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) (Amendment) Bill, 1985.
*5. The Himachal Pradesh Open Places (Prevention of Disfigurement) Bill, 1985.
*6. The Himachal Pradesh Motor Spirit (Taxation of Sales) (Amendment) Bill, 1985.
*7. The Himachal Pradesh Passengers and Goods Taxation (Amendment) Bill, 1985.
*8. The Himachal Pradesh Taxation (On Certain Goods Carried by Road) (Amendment) Bill, 1985.
*9. The Himachal Pradesh General Sales Tax (Amendment) Bill, 1985.
*10. The Himachal Pradesh Taxon Entry of Goodsinto Local Area Bill, 1985.

Karnataka Legislative Council

1. The Karnataka Khadi and Village Industries (Amendment) Bill, 1985.

*Awaiting assent.

2. The Karnataka General Clauses (Amendment) Bill, 1985.
3. The Code of Criminal Procedure (Karnataka Amendment) Bill, 1985.
4. The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offender, Gamblers, Goondas, Immoral Traffic Offenders and Slum Grabbers Bill, 1985.
5. The Karnataka Legislature Salaries, Pension and Allowances (Amendment) Bill, 1985.

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Land Revenue (Amendment) Bill, 1985.
2. The Karnataka Improvement Boards (Amendment) Bill, 1985.
3. The Karnataka Pawn Brokers (Amendment) Bill, 1985.
4. The Karnataka Money Lenders (Amendment) Bill, 1985.
5. The Karnataka Parks, Play-fields and Open Places (Preservation and Regulation) Bill, 1985.
6. The Karnataka Industrial Establishments (National and Festival Holidays) (Amendment) Bill, 1985.
7. The Karnataka Electricity (Taxation on Consumption) (Amendment) Bill, 1985.
8. The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum Gabbers Bill, 1985.
9. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 1985.
10. The Karnataka Agricultural Debtors (Amendment and Repeal) Bill, 1985.
11. The Karnataka Appropriation (Vote on Account) Bill, 1985.
12. The Karnataka Appropriation Bill, 1985.
13. The Karnataka Educational Institutions (Prohibition of Capitation Fee) (Amendment) Bill, 1985.
14. The Karnataka Khadi and Village Industries (Amendment) Bill, 1985.
15. The Karnataka General Clauses (Amendment) Bill, 1985.
16. The Code of Criminal Procedure (Amendment) Bill, 1985.

KERALA LEGISLATIVE ASSEMBLY

1. The Gandhiji University Bill, 1984.
2. The Kerala Municipalities (Amendment) Bill, 1983.
3. The Kerala Revenue Recovery (Amendment) Bill, 1983.

MANIPUR LEGISLATIVE ASSEMBLY

1. The Manipur Appropriation (No. 3) Bill, 1985.
2. The Manipur Municipalities (Fifth Amendment) Bill, 1985.

3. The Manipur Panchayati Raj (Fifth Amendment) Bill, 1985.

4. The Dangerous Drugs (Manipur Amendment) Bill, 1985.

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Succession to Self Acquired Property (Khasi & Jaintia Special Provision) Bill, 1984.

2. The Meghalaya (Benami Transactions Prohibition) (Amendment) Bill, 1985.

3. The Meghalaya Finance (Sales Tax) (Amendment) Bill, 1985.

4. The Meghalaya Sales Tax (Amendment) Bill, 1985.

5. The Meghalaya (Ministers, Salaries & Allowances) (Amendment) Bill, 1985.

6. The Meghalaya (Speaker & Deputy Speaker's Allowances) (Amendment) Bill, 1985.

7. The Meghalaya (Leader of Opposition's Salaries & Allowances) (Amendment) Bill, 1985.

8. The Meghalaya (Members' Salaries and Allowances) (Amendment) Bill, 1985.

9. The Meghalaya (Members' Pension) (Amendment) Bill, 1985.

10. The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Bill, 1985.

11. The Meghalaya Appropriation (No. 4) Bill, 1985.

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Appropriation (No. 2) Bill, 1985.

*2. The Nagaland Shops and Establishment Bill, 1985.

*3. The Notaries (Extension to Nagaland) Bill, 1985.

SIKKIM LEGISLATIVE ASSEMBLY

1. The Sikkim Housing and Development Board (Amendment) Bill, 1985.

2. The Sikkim Cultivators Protection Bill, 1985.

3. The Sikkim Co-operative Societies (Amendment) Bill, 1985.

4. The Sikkim Essential Services Maintenance Bill, 1985.

5. The Sikkim (Live-stock and Live Stock Products) (Control) Bill, 1985.

6. The Sikkim Nationalised Transport (Prevention of Ticketless Travel and Miscellaneous Provision) (Amendment) Bill, 1985.

7. The Sikkim (Repeal and Miscellaneous Provision) Bill, 1985.

8. The Allotment of House Sites and Construction of Buildings (Regulation and Contract) Bill, 1985.

9. The Sikkim Appropriation Bill, 1985.

TAMIL NADU LEGISLATIVE COUNCIL

1. The Tamil Nadu Panchayats (Second Amendment) Bill, 1985.

* Awaiting assent.

2. The Tamil Nadu District Municipalities (Amendment) Bill, 1985.

*3. The Alagappa University Bill, 1985.

4. The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) (Second Amendment) Bill, 1985.

5. The Tamil Nadu Panchayats (Appointment of Special Officers) (Second Amendment) Bill, 1985.

6. The Tamil Nadu Panchayats (Third Amendment) Bill, 1985.

7. The Tamil Nadu Prohibition (Amendment) Bill, 1985.

8. The Tamil Nadu Contingency Fund (Amendment) Bill, 1985.

9. The Tamil Nadu Acquisition of Hoardings Bill, 1985.

10. The Madurai City Municipal Corporation (Second Amendment) Bill, 1985.

11. The Tamil Nadu Municipal Laws (Amendment) Bill, 1985.

12. The Tamil Nadu Appropriation (No. 2) Bill, 1985.

*13. The Tamil Nadu Entertainments Tax (Second Amendment) Bill, 1985.

*14. The Tamil Nadu Entertainments Tax (Third Amendment) Bill, 1985.

*15. The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1985.

*16. The Tamil Nadu Agricultural Produce Markets (Second Amendment) Bill, 1985.

*17. The Tamil Nadu Cultivating Tenants (Special Provisions) (Amendment) Bill, 1985.

*18. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Amendment) Bill, 1985.

*19. The Tamil Nadu Urban Land (Ceiling and Regulations) (Amendment) Bill 1985.

*20. The Madras High Court (Jurisdictional Limits) Extension Bill, 1985.

*21. The Tamil Nadu Taxation Laws (Inapplicability of Limitation) Bill, 1985.

*22. The Madras City Police and the Tamil Nadu District Police (Amendment) Bill 1985.

*23. The Tamil Nadu Fire Services Bill, 1985.

*24. The Tamil Nadu Scrap Merchants and Dealers in Second Hand Property and Owners of Automobile Workshops and Tinkar Shops (Regulation, Control and Licensing) Bill, 1985.

*25. The Tamil Nadu Industrial Establishments (Conferment of Permanent Status of to Workmen) (Amendment) Bill, 1985.

*26. The Tamil Nadu Motor Vehicles Taxation (Amendment) Bill, 1985.

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Appropriation Bill, 1985.

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*Awaiting assent.

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Bill, 1985.
2. The West Bengal Panchayat (Amendment) Bill, 1985.
*3. The Technicians' Studio Private Limited (Amendment) Bill, 1985.
*4. The Motor Vehicles (West Bengal Amendment) Bill, 1985
5. The West Bengal Motor Vehicles (Taxation of Goods and Passengers) Bill, 1985.
6. The West Bengal Taxation Laws (Amendment) Bill, 1985.
7. The West Bengal Appropriation (Vote on Account) Bill, 1985.
8. The West Bengal Appropriation Bill, 1985.
9. The Kalyani University (Amendment) Bill, 1985.
10. The North Bengal University (Amendment) Bill, 1985.
11. The West Bengal Appropriation (No. 2) Bill 1985.
12. The West Bengal Appropriation (Excess Expenditure, 1974-75, 1975-76, 1976-77 and 1977-78) Bill, 1985.
13. The Taxes on Entry of Goods into Calcutta Metropolitan Area (Amendment) Bill, 1985.
*14. The Calcutta University Institute (Taking-over of Management of Auditorium) Bill, 1985.
*15. The Bengal (Rural) Primary Education (Amendment) Bill, 1985.
*16. The Code of Criminal Procedure (West Bengal Amendment) Bill, 1985.
*17. The Code of Criminal Procedure (West Bengal Second Amendment) Bill, 1985.
*18. The West Bengal Medical Council (Temporary Supersession) Bill, 1985.
*19. The Lepers (West Bengal Repealing) Bill, 1985.
20. The Rabindra Bharati (Amendment) Bill, 1985.

*Awaiting assent.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD 1 APRIL TO 30 JUNE, 1985

S. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
1	2	3	4	5	6
	CENTRAL GOVERNMENT				
1	The Tea Companies (Acquisition and Transfer of Sick Tea Units) Ordinance, 1985 (No. 3 of 1985).	8-4-85	8-4-85		Replaced by Legislation.
2	The Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1985 (No. 4 of 1985).	5-6-85	23-7-85		Do.
	STATE GOVERNMENTS				
	ANDHRA PRADESH				
1	The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1985.	11-4-85			Lapsed
2	The Andhra Pradesh Entertainments Tax (Amendment) Ordinance, 1985.	20-4-85		..	Do.
3	The Andhra Pradesh Co-operative Societies (Amendment) Ordinance, 1985.	22-4-84			Do.
4	The Andhra Pradesh Districts (Formation) (Amendment) Ordinance, 1985.	13-4-85			
5	The Andhra Pradesh Co-operative Societies Laws (Amendment) Ordinance, 1985.	Do.		..	

	2	3	4	5	6
6	The Andhra Pradesh Co-operative Societies (Second Amendment) Ordinance, 1985.	1-6-85	..		
7	The Andhra Pradesh Co-operative Societies (Third Amendment) Ordinance, 1985.	7-6-85	..	..	
8	The Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1985.	10-6-85	..		
9	The Andhra Pradesh Entertainments Tax (Second Amendment) Ordinance, 1985.	Do.		..	
10	The Andhra Pradesh University Acts (Amendment) Ordinance, 1985.	Do.			..
11	The Andhra Pradesh Tehsildars and Deputy Tehsildars (Construction of References) Ordinance, 1985.	26-6-85			
12	The Andhra Pradesh College Service Commission Ordinance, 1985.	Do.	..		..
13	The Andhra Pradesh Electricity Duty (Amendment) Ordinance, 1985.	Do.	..	..	
14	The Andhra Pradesh Excise (Amendment) Ordinance, 1985.	Do.			
15	The Andhra Pradesh General Sales Tax (Third Amendment) Ordinance, 1985.	30-6-85	..		
16	The Andhra Pradesh Gram Panchayat and Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1985.	Do.			
	BIHAR				
1	Bihar Coal Khanan Kshetra Vikas Pradhikar Adhyadesh, 1985.	8-4-85			
2	Bihar Arajkiya Madhyamik Vidyalaya (Prabandh Evam Niyantran Grihan) (Sanshodhan) Adhyadesh, 1985.	Do.	..		
3	Bihar Aakasmikta Nidhi (Sanshodhan) Adhyadesh, 1985.	Do.			

4	Bihar Intermediate Shiksha Parishad Adhyadesh, 1985.	Do.	..	..	..
5	Bihar Orissa Utpadan (Sanshodhan) Adhyadesh, 1985.	Do.	..	..	..
6	Bihar Niji Chikitsa (Bhartiya Chikitsa Paddhati) (Mahavidyalaya) (Grahan) (Dwitiya) Adhyadesh, 1985.	Do.	..	..	
7	Patna Vishwavidyalaya (Sanshodhan) Adhyadesh, 1985.	Do.	..	..	
6	Bihar Rajya Vishwavidyalaya (Sanshodhan) Adhyadesh, 1985.	Do.	..	..	..
9	Bihar Rajya Vishwavidyalaya (Angibhut Mahavidyalaya) Seva Ayog Adhyadesh, 1985.	Do.	..	..	..
10	Bihar Choya (Niyantran) (Sanshodhan) Adhyadesh, 1985.	Do.			
11	Bihar Manoranjan-kar (Sanshodhan) Adhyadesh, 1985.	Do.		..	..
	GUJARAT				
1	The Gujarat Housing Board (Amendment) (Second) Ordinance.	27-4-85	25-6-85	..	
2	The Gujarat Rural Housing Board (Amendment) (Second) Ordinance.	Do.]	Do.		
3	The Gujarat Agricultural Produce Markets (Amendment) (Second) Ordinance.	Do.	Do.		..
4	The Gujarat Prevention of Anti-Social Activities Ordinance.	26-5-85	Do.		
5	The Bombay Provincial Municipal Corporations (Gujarat Amendment) Ordinance.	10-6-85	Do.	..	..
6	The Gujarat Town Planning and Urban Development (Amendment) Ordinance	11-6-85	Do.		..
	KARNATAKA				
1	The Karnataka Legal Aid Board (Amendment) Ordinance, 1985.	26-4-85	..	..	..
2	The Karnataka Civil Courts Laws (Amendment) Ordinance, 1985.	29-4-85	..	..	..
3	The Karnataka Essential Articles (Control) Ordinance, 1985.	4-5-85	..	..	..

1	2	3	4	5	6
4	The Karnataka Money Lenders (Amendment) Ordinance, 1985.	18-5-85			..
5	The Karnataka Pawn Brokers (Amendment) Ordinance, 1985.	Do.			..
6	The University of Agricultural Sciences (Amendment) Ordinance, 1985.	10-6-85			..
7	The Karnataka Contingency Fund (Amendment) Ordinance, 1985.	12-6-85			..
8	The Karnataka Co-operative Societies (Amendment) Ordinance, 1985.	27-6-85			..
		KERALA			
1	The Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1985.	15-4-85	1-7-85		..
2	The Kerala Labour Welfare Fund (Amendment) Ordinance, 1985.	17-4-85	Do.	..	..
3	The Kerala Cashew Factories (Acquisition) Amendment Ordinance, 1985.	Do.	Do.	..	..
4	The Kerala Essential Articles Control Ordinance, 1985.	Do.	Do.		..
5	The Kerala Cashew Factories (Requisitioning) Amendment Ordinance, 1985.	Do.	Do.		
6	The Kerala Silk Textile Undertakings (Acquisition) and Transfer of Undertakings) Ordinance, 1985.	Do.	Do.		
7	The Kerala Municipalities (Second Amendment) Ordinance, 1985.	Do.	Do.		
8	The Kerala Municipal Corporations (Amendment) Ordinance, 1985.	Do.	Do.		
9	The Kerala Panchayat (Amendment) Ordinance, 1985.	Do.	Do.		
10	The Kerala Water and Waste Water Ordinance, 1985.	Do.	Do.		
11	The University Laws (Amendment) Ordinance, 1985.	Do.	Do.		
12	The Kerala Grandhasala Sangham (Taking over of Management (Amendment) Ordinance, 1985.	Do.	Do		
13	The University Laws (Second Amendment) Ordinance, 1985.	Do.	Do.		
14	The Travancore-Cochin Hindu Religious Institutions (Amendment) Ordinance, 1985.	Do.	Do.		..

15	The Land Acquisition (Kerala Amendment) Ordinance, 1985.	Do.	Do.	..	..
16	The Payment of Salaries and Allowances (Amendment) Ordinance, 1985.	Do.	Do.	..	..
17	The Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1985.	Do.	Do.		..
18	The Kerala Tolls (Amendment) Ordinance, 1985.	Do.	Do.		..
19	The Kerala Public Building (Eviction of Unauthorised Occupants (Amendment) Ordinance, 1985.	Do.	Do.	..	..
20	The Kerala Marine Fishing Regulation (Amendment) Ordinance, 1985.	Do.	Do.	..	
21	The Kerala Motor Vehicles Taxation (Amendment) Ordinance, 1985.	Do.	Do.		
22	The Kerala Advocates Welfare Fund (Amendment) Ordinance, 1985.	Do.	Do.	..	
23	The Kerala Civil Courts (Amendment) Ordinance, 1985.	Do.	Do.		
24	The Kerala Command Area Development Ordinance, 1985.	Do.	Do.		
25	The Kerala Agricultural University (Amendment) Ordinance, 1985.	Do.	Do.		
26	The Irrigation Laws (Amendment) Ordinance, 1985.	Do.	Do.		
27	The Kerala Co-operative Societies(Amendment) Ordinance, 1985.	Do.	Do.		
28	The Kerala Forest (Amendment) Ordinance, 1985.	Do.	Do.		..
29	The Kerala Preservation of Trees Ordinance, 1985.	Do.	Do.		
30	The Kerala General Sales Tax (Amendment) Ordinance, 1985.	25-4-85	Do.		
31	The Kerala Motor Transport Workers Welfare Fund Ordinance, 1985.	23-5-85	Do.		
32	The Kerala Survey and Boundaries (Amendment) Ordinance, 1985.	17-6-85	Do.	..	..

1	2	3	4	5	6
		MADHYA PRADESH			
1	The Madhya Pradesh Land Revenue Code (Amendment) Ordinance, 1985.	12-6-85			..
2	The Madhya Pradesh Krishi Upaj Mandi (Dwitiya Sanshodhan) Adhyadesh, 1985.	Do.			..
		UTTAR PRADESH			
1	U.P. Phaldar Vrikshon Ka Samvardhan Aur Sanrakshan (Hanipiad Adhithan Aur Avas Yojna Viniyaman) Adhvadesh, 1985.	23-4-85			..
2	U.P. Nagar Swayatta Shashan Vidhi (Sanshodhan) Adhyadesh. 1985.	25-4-85		..	..
3	U.P. Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adydadesh, 1985.	Do.		..	..
4	U.P. Chini Upkram (Arjan) (Sanshodhan) Adhyadesh, 1985.	26-4-85		..	..
5	U.P. Shahari Bhavan (Kiraye per Dene, Kiraye tatha Bedakhali Ka Viniyaman) (Dwitiya Sanshodhan) Adhyadesh, 1985.	Do.	..	..	..
6	U.P. Nagar Yojna Aur Vikas (Sanshodhan Aur Vadhikaran) Adhidesh, 1985.	27-4-85	..	..	..
7	U.P. Krishi Utpadan Mandi Samiti (Alpkalik Vyavastha) (Sanshodhan) Adhyadesh, 1985.	22-5-85	..		..
8	U.P. Madhyamik Shiksha Sewa Ayog Aur Chayan Board (Sanshodhan) Adhyadesh, 1985.	12-6-85	..		..
9	U.P. Rajya Lok Sewa Ayog (Prakriya Ka Viniyaman) Adhyadesh, 1985.	22-6-85	..		..
10	U.P. Uchchatar Shiksha Sewa Ayog (Sanshodhan) Adhyadesh, 1958.	Do.	..		..
		WEST BENGAL			
1	The Kalyani University (Amendment) Ordinance. 1984.	20-12-84	14-3-85	22-4-85	Replaced by Legislation.
2	The West Bengal Panchayat (Amendment) Ordinance, 1985.	25-1-85	Do.	Do.	Do.
3	The North Bengal University (Amendment) Ordinance, 1985.	6-3-85	Do.	Do.	Do.

APPENDIX VII

A. Party Position in Lok Sabha (As on 1 September, 1985)

Sl. No.	Name of the State/ Union Territory	Seats	Cong. (I)	Telugu Desam	CPI(M)	Other Parties	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10
	States								
1	Andhra Pradesh	42	6	30	1	4(a)	1	42	..
2	Assam	14	..	..	..	..	..	..	14
3	Bihar	54	47	..	..	4(b)	2	53	1
4	Gujarat	26	24	..	..	2(c)	..	26	..
5	Haryana	10	10	..	..	..	..	10	..
6	Himachal Pradesh	4	4	..	..	..	..	4	..
7	Jammu & Kashmir	6	3	..	..	3(d)	..	6	..
8	Karnataka	28	24	..	..	4(e)	..	28	
9	Kerala	20	13	..	1	6(f)	..	20	..
10	Madhya Pradesh	40	40	..	..	..	..	40	..
11	Maharashtra	48	43	..	..	3(g)	2	48	..
12	Manipur	2	2	..	..	..	..	2	..
13	Nagaland	1	1	..	..	..	..	1	..
14	Meghalaya	2	2	..	..	..	..	2	..
15	Orissa	21	20	..	..	..	..	20	1
16	Punjab	13	..	..	..	..	..	..	13
17	Rajasthan	25	23	..	..	..	..	23*	1
18	Sikkim	1	..	..	..	..	1	1	..
19	Tamil Nadu	39	25	..	..	14(h)	..	39	..
20	Tripura	2	..	..	2	..	..	2	..

1	2	3	4	5	6	7	8	9	10
21	Uttar Pradesh	85	82	..	..	2(i)	..	84	1
22	West Bengal	42	16	..	17	8(j)	..	41	1
	UNION TERRITORIES								
23	Andaman & Nicobar . . .	1	1					1	
24	Arunachal Pradesh . . .	2	2					2	
25	Chandigarh	1	1					1	
26	Dadra & Nagar Haveli . .	1	..				1	1	..
27	Delhi	7	6					6	1
28	Goa, Daman & Diu . . .	2	2	..		..	..	2	
29	Lakshadweep	1	1	..	..	..	..	1	
30	Mizoram	1	1	..	..	..	..	1	
31	Pondicherry	1	1	..	..	..	..	1	..
32	Nominated (Anglo-Indian) . .	2	..	..	..	..	2	2	..
	TOTAL	544	400	30	21	50	9	510*	33

*Excluding the Speaker.

(a) Janata-1; CPI-1; Cong. (S)-1; and BJP-1.
(b) Janata-2; and CPI-2.
(c) Janata-1; and BJP-1.
(d) J&K National Conference-3.
(e) Janata-4.
(f) Janata-1; Cong. (S)-1; Muslim League-2 and Kerala Congress-2.
(g) Janata—2 and Cong. (S)-1.
(h) AIADMK-12 and DMK-2.
(i) Lok Dal-2.
(j) CPI-3; RSP-3 and Forward Block-2.

(B) Party Position in Rajya Sabha (As on 1 August, 1985)

Sl. No.	States/Union Territories	Seats	Cong.(I)	Janata	C.P.I.(M)	BJP	Other parties	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
	States									
1	Andhra Pradesh	18	11	1			6(a)		18	
2	Assam	7	6	1		..	..	..	7	
3	Bihar	22	15	1		3	3(b)	..	22	
4	Gujarat	..	11	9		1	..	1	11	
5	Haryana	5	4	..		..	1(c)	..	5	
6	Himachal Pradesh	3	3				..	..	3	..
7	Jammu and Kashmir	4	..				2(d)	1	3	1
8	Karnataka	12	8	3			..	1	12	..
9	Kerala	9	3		2	..	4(e)		9	..
10	Madhya Pradesh	16	13			3	..	..	16	..
11	Maharashtra	19	15	2			2(f)	..	19	..
12	Manipur	1	1						1	..
13	Meghalaya	1	1				..		1	..
14	Nagaland	1	..	..			1(g)	..	1	..
15	Orissa	10	8	1			..	1	10	
16	Punjab	7	5	..	..	..	2(h)	..	7	..

1	2	3	4	5	6	7	8	9	10	11
17	Rajasthan	10	8			1		1	10	
18	Sikkim	1	1				..		1	
19	Tamil Nadu	18	3		..		13(i)		18	..
20	Tripura	1	..	..	1		..	..	1	..
21	Uttar Pradesh	34	28	..	..		5(j)	..	33	1
22	West Bengal	16	1	..	10		4(k)	1	16	1
	UNION TERRITORIES :									
23	Arunachal Pradesh	1	1	..	..	..	..	..	1	1
24	Delhi	3	3	..	..	..	..	..	3	..
25	Mizoram	1	1	..	..	..	..	..	1	..
26	Pondicherry	1	..	..	..	..	..	..	..	1
27	Nominated	12	9	..	..	..	..	2	11	1
	TOTAL.	244	157	9	13	8	45	8	240	4

(a) Telugu Desam-5 and National Democratic Party of India-1.
(b) C.P.I.-3.
(c) L.D.-1.
(d) National Conference-2.
(e) Kerala Congress-1; Muslim League-1; Janata (G)-1 and CPI-1.
(f) Congress (S)-2.
(g) Naga National Democratic Party-1.
(h) Akali Dal-2.
(i) C.P.I.-1; AIADMK-11 and DMK-3.
(j) Janavadi-1 and Lok Dal (C)-4.
(k) Forward Bloc-2; R.S.P.-1 and CPI-1.

C. Party Position in Legislature of States and Union Territories

State/Union Territory	Seats	Cong (I)	Janta	Lok Dal	BJP	Cong. (S)	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
States												
Andhra Pradesh L.A. (As on 1-7-85)	295	50	31		8		11	11	207(a)	4	294	1
Assam L.A. (As on 1-7-85)	126	99	..			1	2	1	1(b)	4	108	18
Bihar L.C. (As on 1-7-85)	96	43	3	1				7	4(c)		58	38
Bihar L.A. (As on 30-6-85)	325	193	13	46	16	1	1	12	11(d)	29	322*	2
Gujarat L.A. (As on 1-7-85)	182	149	14		11					8	182	
Haryana L.A. (As on 30-6-85)	90	60	9	12	5				2(e)	1	89*	
Himachal Pradesh L.A. (As on 25-7-85)	68	58	..	1	7				..	2	68	
Jammu & Kashmir L.C. (As on 1-7-85)	36	2							23(f)	1	26	10
Jammu & Kashmir L.A. (As on 19-7-85)	78	26						50(g)	1	77	1	1
Karnataka L.C. (As on 1-7-85)	69	18	10		6	..				6	40*	22
Karnataka L.A. (As on 1-7-85)	225	66	138		2		2	4		12	224*	
Kerala L.A. (As on 30-6-85)	141	31	4			8	30	12	46(h)	8	139*	1
Madhya Pradesh L.A. (As on 1-7-85)	321	249	5		58	1				6	319*	1

1	2	3	4	5	6	7	8	9	10	11	12	13
Maharashtra L.C. (As on 1-3-85)	78	34	1	..	6	3	..	..	5(i)	8	57	21
Maharashtra L.A. (As on 2-4-85)	289	162	20		16	54	2	2	14(j)	19	289	..
Manipur L.A. (As on 1-7-85)	60	35	4					1	2(k)	18	60	
Meghalaya L.A.	60	39						..	20 (l)		59*	
Nagaland L.A. (As on 1-7-85)	60	41							18(m)	1	60	
Punjab L.A (As on 26-6-85)	117	64			1		4	8	34(n)	1	112	5
Rajasthan L.A. (As on 1-7-85)	200	115	10		38		1		27(o)	9	200	..
Sikkim L.A. (As on 1-7-85)	32	1							30(p)	1	32	
Tamil Nadu L.C. (As on 1-7-85)	63	5						1	33(q)	2	41*	21
Tamil Nadu L.A. (As on 1-4-85)	285	62							193(r)	18	233*	1
Tripura L.A (As on 1-7-85)	60	12					37		8(s)]	3	60	
Uttar Pradesh L.C. (As on 1-7-85)	108	39		5	1			2	13(t)		60	1*
Uttar Pradesh L.A. (As on 1-7-85)	426	269	20	84	16		2	6	5(u)	23	425	1
West Bengal L.A (As on 1-7-85)	295	56					170	7	59(v)	2	294	1
UNION TERRITORIES												
Arunachal Pradesh L.A. (As on 1-4-85)	30	27							2(w)	1	30	
Delhi Metropolitan Council (As on 1-4-85)	61	38	1	2	19						60*	

Goa D. man & Diu L.A (As on 1-4-84)	33	22		9(x)	2	33
Mizoram L.A. (As on 1-1-85)	33	23		9(y)	1	33

• Excluding the Speaker/Chairman.

(a) Telugu Desam 202 Majlis-Ittehad ul-Muslimeem Party-4 and Nominated-1.
(b) Plains Tribals Council of Assam-1.
(c) Jharkhand Mukti Morcha-1, *and* D.M.K.P.-3.
(d) Jharkhand Mukti Morcha-9; SUCI 1; *and* Nominated-1.
(e) Congress (J)-2.
(f) National Conference (K) -14; *and* National Conference (F)-9.
(g) National Conference (F) -32; National Conference (K)-16; PanthersParty-1; *and* People 's Party -1.
(h) Indian Union Muslim League-14; Kerala Congress -15; Janata (Led byShrimti M. Kamalan)2; National Democratice Party-4; All India Muslim League-4; Revolutionary Socialist Party-4; *and* Socialist Republican Party-3.
(i) Peasants and Workers Party-2; Republican Party of India (RPI) (Gavai Group) -1; *and* Shiv Sena -2.
(j) Peasants and Workers Party-13, *and* Nominated-1.
(k) M.P.P. 1; *and* KNA-1.
(l) Meghalaya United Parliamentary Party-20.
(m) Nagaland National Democratic Party-18.
(n) Shiromani Akali Dal(L)-31; Shrimomani Akali Dal (Ta -2; *and* All India Communist Party-1.
(o) D.M.K.P.-27.
(p) Sikkim Sangram Parishad-30.
(q) All India Anna Dravida Munnetra Kezhagam (AIADMK)-23; Dravida Munnetra Kazhagam (DMK)- 5; Teachers-Graudates Progressive Front 4-; *and* Gnandhi-Kamaraj National Congress -1.
(r) AIADMK-131; *and* DMK-22.
(s) R.S.P.-2; *and* Tripura Upajati Juba Samiti-6.
(t) Shikshak Dal-7; Nirdhaliya Vidhayak Paksha-3; Rashtriya Shikshak Dal -2, *and* Shikshak Manch-1.
(u) Congress (J)-5.
(v) Forward Bloc-28; Revolutionary Socialist Party-18; West Bengal Socialist Party-3; Democratie Socialist Party-3; Revolutionary Community Party of India-2; Forward Bozk (Marxist)-2; Socialist Unity Centre of India-2, *and* Nominated-1.
(w) People's Party of Arunachal Pradesh-2.
(x) Goa Congress-1; *and* Maharashtravwadi Gomantak Party (MGP)-8.
(y) People's Conferece (P.C.)-8; *and* Mizo Convention (M.C.) -1.

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